CRIME AND MORAL EDUCATION

BY

Ignacio Villamor

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BY

Ignacio Villamor

ASSOCIATE JUSTICE

OF THE SUPREME COURT OF THE

PHILIPPINE ISLANDS

MANILA

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FOREWORD

It is a pleasure for me to avail myself of the opportunity to prefix a few words of appreciation to the collection of essays and lectures which our distinguished associate, Mr. Justice Villamor, has seen fit to place before the public in this interesting though modest volume. Even if no other reason could be assigned to justify the appearance of this matter in the present form, a sufficient justification would be found in the brilliant and eloquent appeal for the moral education of the youth of the country which is found in the closing section. It is to be hoped that no reader will close the lids of the book until what is there said has been attentively perused and well digested.

The volume presents many instructive reflections upon criminology and penology that should be of interest to Filipinos and which should find a wider audience among American and European students of those subjects. In this particular country it will certainly serve, as the author hopes, to open the way to larger discussion in the future.

In commenting upon the statistics relative to the incidence of crime, the author has directed attention in a most lucid manner to the social, industrial and even geographical conditions, sometimes reflected in the figures; and he has also well shown how the enactment of new laws, bringing

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new subjects within the range of penal legislation, has tended to give a superficial appearance of increased criminality in the population, when there has really been no such tendency. I should like to point out also that a progressive tendency to the more effective enforcement of the law, naturally reflecting the prolongation of the era of civic order during two decades, has also contributed slightly to swell the percentage of prosecuted crimes, without in the least proving the existence of any increased criminality in the public at large.

Taking these statistics, in the light of the inferences which the author has drawn, we think that he is well justified in quoting with pride an observation made as far back as in the year 1903 *by General Sanger to the effect that the Filipinos, as a race, have no inclination to crime.*

I trust that the book will find many reflecting readers.

THOMAS A. STREET,
Associate Justice of the Supreme Court of the Philippines.

PREFACE

This book is the outgrowth of various lectures on social subjects delivered by me before the students of the colleges of law of the Santo Tomas University and the University of the Philippines during the years 1912-1918, some of which have already been published in periodical magazines. With no pretension whatever that the ideas and observations here set forth are sufficient to form a body of doctrine, or rather a theory on criminality, I venture to bring forth this little book, originating from those lectures, for the benefit of students on delinquency in the Philippines, in the hope that others, more studious and interested along this line may find in the future the solution of the social problem—the suppression or diminution of crimes in this country.

THE AUTHOR.

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CRIME AND MORAL EDUCATION

INTRODUCTION

For a complete study of criminality, it is necessary to consider the psychology and morphology of crimes as well as the social and psychological conditions which influence them, such as customs, superstitions, social environment, agricultural production, climatic conditions, and economic or political disturbances. On the other hand, the statistics on criminality are of such importance that without them it would be impossible to draw any conclusion about the factors which influence the increase or decrease of crimes. "The statistics on criminality" as Ferri says, "exhibit the factors of crimes in the form of social facts which may be for purpose of legislation."

The statistics presented and examined in this work include classification not only of crimes but also of criminals in all forms, indicating, in order to make their study more attractive, the proportion of criminals to the number of inhabitants and the relation of crimes to sex, age, civil status, province, etc., so that we may discover the cause or origin of the increase or decrease of criminality in a given period or in certain provinces.

The statistics published in 1909 cover three quinquennia of the Spanish regime, namely: from 1870 to 1874, from 1875 to 1879, from 1883 to

1887, and a quinquennium of the present regime from 1903 to 1908. The statistics of criminality in the present regime were compiled only since 1903, for the reason the courts of justice in the Philippines only then began to function with efficiency and also because the official census of the Philippines was prepared in that year, a factor essential in the study of statistics on criminality, as it enables us to determine the proportion of criminals to the number of inhabitants. The data which were used for the compilation of these statistics were furnished partly by the clerks of the Courts of First Instance and of the Supreme Court, and, in part, taken from the annual reports of the Directors of the Bureau of Prisons and the Bureau of Health.

Commencing with the year 1909, there has been published by the Attorney-General statistics on criminality in the Philippines in a more complete form every year, containing new data valuable to those who are devoted to the study of criminology. In these new statistics the persons accused are classified according to age, civil status, education, occupation, recidivism, place of the commission of crime, form of judgment rendered, and other facts which are essential in the study of criminality, together with some comparative tables of statistics of criminality in the Philippines, United States, Spain and Japan.

In addition to the usual facts contained in the statistics published up to 1912, the statistics for 1913 include new data which deserve special mention, because they show the influence of age, education, sex, civil status, and geographical con-

dition of the different regions in the Philippines on the commission of the more common crimes, such as those against life, person, property and chastity.

SECTION I

CRIMINALITY IN THE PHILIPPINES SINCE 1870 UP TO 1908

To be able to set forth conclusions regarding the condition of criminality in the Philippines, it is necessary to consult the comparative statistical tables Nos. XLVII, XLVIII, and L for the quinquennia 1870-1875, 1875-1879, 1883-1887, and 1903-1908, (a) respectively, referring to the total number of crimes and persons accused, and to the total number of those convicted of different crimes. An examination of said tables shows that during the first quinquennium the ratio of crimes committed was 7.88 per 10,000 inhabitants, 8.83 during the second, 7.63 during the third, and 6.64 during the last quinquennium. As regards the persons accused of the different crimes, Table No. XLIX shows a ratio of 12.42 per 10,000 inhabitants during the first quinquennium, 13.77 during the second, 12.50 during the third, and 9.63 during the fourth. With respect to the number of those convicted, who are the ones that can properly be classified as criminals, the proportion per 10,000 inhabitants, according to Table No L, was 5.19 during the first quin-

(a) The statistical tables referred to in this section are contained in the Attorney-General's report published in 1908.

quennium, 6.27 during the second, 4.94 during the third, and 3.90 during the fourth.

It, therefore, appears that, judging the criminality in the Philippines either from the number of crimes or cases and of persons accused, or from the number of persons found guilty by the courts of justice, the result of the comparison of the four quinquennial periods shows that the Filipinos, as a race, as General Sanger declared in the census of 1903, have no inclination to crime.

It is true that the crime punished with *arresto mayor*, or imprisonment from one to six months, the cognizance of which formerly belonged to the courts of first instance, but now to the justice of the peace courts, were included in the statistics for the first three quinquennial periods and that, formerly actions were instituted against unknown offenders, proceedings conducted against them, and judgments rendered against the same in their absence; but it is a fact that since the establishment of the present regime, numerous special laws have been enacted, thus increasing the total number of persons accused annually by the addition of such offenders. During the quinquennium of 1903-1908, 3,977 persons were accused of violations of special laws. (a) 4,802 of *bandolerismo* (brigandage) (see Table No. XIII), and 1,033 of vagrancy (see Table No. XIV). These figures, when added to the grand total, should have produced an extraordinary increase, but strange as it may seem, the result has been other-

(a) See "Miscellaneous crimes", Table No. X.

wise. The conclusions I herein set forth rest entirely upon the reliability of my original sources of information, namely, the Spanish judicial statistics and reports of clerks of courts. If the data furnished by the official Spanish records deserve any credit, then I may venture to state, as a final conclusion, that there has been an unquestionable decrease in the number of criminals during the quinquennial period ending in 1908, as compared with the total number of criminals for the three quinquennial periods of criminality during the past regime. (See Tables Nos. XLVII and XLVIII.) In my judgment, such decrease may be attributed, among others, to the following causes: (1) Increase in popular instruction which has developed a greater sense of responsibility; (2) the greater opportunities now offered to laborers to improve their condition; (3) the financial aid extended by the Goverment to impoverished provinces; (4) the greater impulse given to public works in times and places where an economic crisis exists; (5) the efficiency of the criminal procedure introduced by the American Government, according to which the persons accused can neither be tried without being heard, nor convicted, except by means of clear and conclusive evidence establishing their guilt beyond a reasonable doubt, for the legal presumption is in favor of the innocence of the person accused.

It may be noted, however, that in examining the number of persons accused of all crimes, and especially of persons accused of crimes committed

against property, against the person, and against public morals (Tables Nos. XV, XVI, and XVII) during the quinquennium of 1903-1908, criminality in the Philippines reached its climax in 1903, declining steadily in the following years to rise again during the fiscal year 1907-8. I believe that the reason of this phenomenon lies in the revolutionary condition of the country during the last years of the Spanish sovereignty in these Islands and during the beginning of the present regime. We should also take into consideration, above all, that the political situation has given rise to the commission of political crimes such as rebellion, sedition, insurrection, conspiracy, and violation of the oath of allegiance—of which 1,960 persons were accused during the said quinquennium of 1903-1908. Even the crime of *bandolerismo* is an aftermath of the insurrection. The bands of brigands, however, were no more than small fractions or remnants of the former revolutionists who had failed or refused to submit to the newly constituted authorities. Brigandage carried with it murders, rapes, kidnapping, and pillaging, causing thereby a great number of convicts to be punished with the death penalty. Due to the late disturbances in this country, many towns were set on fire, large amounts of property destroyed, and commerce and agriculture paralyzed, thus necessarily producing scarcity of food, which is an active and powerful stimulant of the crimes against property. To make existing conditions worse, rinderpest appeared, carrying away most of the draft animals on the farms.

Such was the demand for draft animals on the part of the farmers and planters that carabaos reached excessively high prices, making the traffic thereof very profitable. This, naturally, served as a powerful incentive to the operations of the cattle-thieves, who, allured by such a profitable business, procured any kind of a document to make their sales appear sufficient and valid, thus giving rise to the commission of falsification of documents. Fortunately, however, under the new law relative to registration of cattle, this evil is now gradually being eradicated.

The great majority of cases tried by the courts in 1903 belong to the class of crimes which I have just mentioned, and this explains the great number of these accused and convicted of the different crimes in that year. The decrease of criminality during the following years, declining to the average attained the first three quinquennial periods corresponding to the past regime, is an argument in support of the foregoing statement.

As stated above, criminality in this country visibly decreased from 1903 to 1907, when once more it commenced to rise, although the increase was more apparent than real. The cause of the apparent growth in criminality during the latter years may easily be found in the fact that in October, 1907, the Gambling and Opium Laws became effective, which produced 559 and 479 violators respectively, and that in July and November of the same year, the first elections under the new Election Law were held, which also caused

the prosecution of 200 individuals. The violators of the said law reached a total of 1,238, which, deducted from 6,226, the number of persons accused for the fiscal year of 1907-8, leaves a residue less than 5,581, the total number of accused corresponding to the preceding fiscal year.

Thus we see that the increase of criminality noted during the years 1903 to 1907 is due to causes which were purely transitory, and not to a psychological condition revealing social perversity and degeneration. The general condition, therefore, is far from alarming, but rather constitutes a very encouraging fact of our present status.

It is gratifying to note the remarkable decrease in the number of crimes committed against the State. In 1903-4 a total of 1,139 persons were accused of such crimes. This was a necessary sequel to the wars of revolution. Political crimes are the result of chaotic conditions and internal political feuds.

That the Government understood existing conditions and their causes may be judged from the fact that President Roosevelt was led to proclaim an amnesty on July 4, 1902. This well-considered act of leniency flung open the prison bars to many political prisoners who had fought for their country's cause on the field of battle. And the President's action was fully justified in after years. In 1907, there were only 53 persons accused of crimes against the State, classified as follows: 6 for sedition, 46 for conspiracy, and 1 for violation of the oath of allegiance.

In the interval of four years, to wit, 1903 to 1907, the number of crimes committed by public officials decreased about 200 per cent, or from 324 in 1903 to 126 in 1907. Such figures speak for themselves. They show that public affairs are being efficiently administered. For a time cases for embezzlement of public funds attained enlarged proportions. It migth be said, in passing, that in most cases such crimes were committed either by converting public funds under their charge to personal uses, or by unlawfully participating in public contracts. To obviate such conditions, strict enforcement of restrictive provisions were needed. Under Act No. 1740, any person having charge, by reason of his office, of public funds who fails to produce same upon demand made by duly authorized officers, is presumed to have used such missing funds for personal ends. Provisions of this nature constitute a safeguard for the proper keeping of public funds and insure an honest and faithful discharge of the affairs of the Government.

It is difficult to determine the relative importance of conjugal conditions on criminality in our country, in view of the data given by Table No. XXXIX, from which I have taken the following: In 1903 out of every 100 prisoners 47 were married; in 1904 the proportion was 44 per cent married, 53 per cent single, and 3 per cent widowers; in 1905, 45 per cent married, 50 per cent single, and 5 per cent widowers and widows; in 1906, 44 per cent married, 50 per cent single, and 6 per cent widowers and widows; and in 1907 the

proportion was 46 per cent married, 48 per cent single, and 6 per cent widowers and widows. From these figures a slight difference may be observed in favor of married people. Aside from very insignificant differences, however, it may be stated that criminality is equally divided among the married and unmarried population.

As regards illiteracy in connection with criminality, Tables Nos. XXXVI and XXXVII give the following: During the first quinquennium the proportion per every hundred persons accused was 22.23 per cent educated, 62.16 per cent illiterate, and 15.61 per cent with no records; during the second quinquennium the proportion was 18.05 per cent educated, 66.31 per cent illiterate, and 15.64 per cent without records; during the third quinquennium the proportion was 11.65 per cent educated, 73.98 per cent illiterate, and 14.37 per cent with no records; and during the last quinquennium out of every 100 prisoners in Bilibid Prison 63.16 per cent were educated and 36.84 per cent illiterate.

With respect to habitual criminals, the figures given by Table No. XL are so small that they do not constitute sufficient data to justify a definite conclusion. The greatest numbers are 335 and 166, which represent those who have been recidivists two and three times, respectively, during the quinquennial period of 1904-1908. The number of those who have been recidivists four times was 91 during the same period; who have been such five times, 75; six times, 53; seven times, 30; eight times, 30; nine times, 23; and ten

times, 11 during the same quinquennial period. The number of persons accused who have been convicted eleven times and upward did not reach 10 during the same period; and it will also be noticed that there was one who had been a recidivist 53 times. It should be stated, however, that in the majority of cases these recidivists have been such for misdemeanors and violations of municipal ordinance of the city of Manila.

An effort has been made to bring about the enactment of a law, defining habitual criminals and providing the penalty for conviction of the same offense for three or more times. But it would be difficult to consider recidivation as an action or omission independent of the offense for which the person accused has been convicted, and on account of which recidivation his penalty has been increased. However, as one of the measures leading to the end desired by the proposed Act, it is suggested that Act No. 1533 be amended so as to exclude from the benefits thereof criminals convicted three or more times and subject them, after the expiration of their sentence, to the vigilance of municipal authorities for a period of time equal to their last term of imprisonment, imposing upon them the following conditions:

"First. To establish their residence and report the same to the authority immediately charged with their vigilance, and prohibiting the changing of said residence without the knowledge and consent, in writing, of the proper municipal officials;

"Second. To observe such rules of inspec-

tion as may be prescribed by competent authority; and

"Third. To engage in some work, art, industry or profession such as will furnish them a means of support". (a)

As regards criminality among women, Table No. XXXVIII shows that during the first quinquennium the percentage of persons accused was 96.32 per cent males, and 3.68 per cent females; during the second quinquennium 96.41 per cent males and 3.59 per cent females; during the third quinquennium, 96.66 per cent males and 3.34 per cent females; while during the quinquennium from 1903 to 1908 the proportion was 93.79 per cent males and 6.21 per cent females. It may be observed that during the last quinquennium the proportion of females accused has increased, that the principal crimes most frequently committed by them were adultery, *estafa, injuria,* personal injuries, and, theft. (See Table No. LII.) (b) Perhaps this is due to the greater demands of living at the present time. Notwithstanding the increase noted during the last quinquennium, it may be stated that criminality among women is so insignificant that there is only 0.60 female criminals for every 10,000 inhabitants; and if we

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(a) Since the foregoing passage was penned, Act No. 3062 of the Philippine Legislature has become a law. This Act defines habitual delinquency with relation to the offenses of theft and robbery and provides for an increase of the penalty to the extent of one-half in addition to that imposed by law.

(b) See the report of the Attorney-General for 1908.

take as a basis the total number of civilized women, the proportion hardly reaches 1.31 for every 10,000 females.

With respect to juvenile offenders, we have the statistical data in Table No. XLI. (a) Although these figures are not as exact as might be desired, for the reason that the question whether or not the juvenile offenders should be sent to the asylums of the character of the Hospicio de San José is left to the discretion of the judges, I believe that they will throw sufficient light upon the actual juvenile criminality in the Philippine Islands. It should be noted that theft and vagrancy have produced the greatest number of juvenile offenders, which is explained by the fact that house servants by occupation furnish the greatest number of juvenile criminals, on account of the opportunity afforded by their employment to commit petty thefts. Fortunately for the Philippines, however, it may be stated that the number of juvenile criminals has not attained alarming proportions, due to the absence of the determining causes which exist in the large and thickly populated cities of Europe and America. During the years from 1906 to 1909, inclusive, only 291 boys and 29 girls from 4 to 18 years old were committed to the Hospicio de San José, in accordance with the provisions of Act No. 1438.

In examining Table No. XXXV, (b) it will readily be seen that of the prisoners committed, of those who have been dropped and have been in

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(a) and (b) See the report of the Attorney-General for 1908.

Bilibid Prison for five years, from 1904 to 1908, inclusive, the laboring class supplies the largest number of prison inmates, a total of 35,345, or an annual average of 7,069. The largest number of those imprisoned, committed, and dropped was in 1905, when 2,896 were in prison, 3,016 were committed and 3,873 were dropped. In numerical importance the drivers (*cocheros*) follow, whose, total number during the said five years reached 4,008, and then the farmers, servants, clerks, fishermen, carpenters, seamen, laundresses, and merchants in the order named. Each and every class of these prisoners has exceeded one hundred more than once, either in prison, committed, or dropped. The great majority of these prisoners have committed misdemeanors and violations of municipal ordinances; and the figures given in Table No. XXXV clearly show that criminality is greater among the poorer classes than among the well-to-do class—a fact clearly showing the relation existing between criminality and poverty. Fortunately, we have the Employer's Liability Act (No. 1874) which secures support for the families of workingmen when the latter have suffered any injury from accidents in their work and also the law creating the Bureau of Labor, which has for its object the promotion of all kinds of legislation tending to improve the economic, social, intellectual, and moral conditions of laborers; and it is to be hoped that the efforts and suggestions of the said Bureau will materially decrease criminality among the laboring class.

Crimes against persons, except that of per-

sonal injuries, have decreased during the last quinquennium, giving a ratio of 1.66 per 10,000 inhabitants. With regard to the crimes of paricide, murder, manslaughter, and personal injuries, statistics give a ratio of 0.04, 0.40, 0.35, and 0.62, respectively, per 10,000 inhabitants. On the other hand, the crimes against public moral, generally speaking, have increased with a total ratio of 0.74 per 10,000 inhabitants. (a) With respect to the crimes of adultery, rape, abduction, and seduction, the respective ratio is 0.22, 0.26, 0.18, and 0.06 per 10,000 inhabitants.

It may be stated that crimes against property constitute by far the greatest number, but that the ratio hardly reaches 2.73 for every 10,000 inhabitants during the quinquennium of 1903-1907; while that for robbery is 1.06, that for theft 1.09, and that for *estafa* 0.48. (b) Taking the total number of persons accused, including foreigners who have violated our penal laws, the ratio only reaches 9.63 per 10,000 inhabitants. (c).

(a) See the report of the Attorney-General for 1908.

(b) See page 34.

(c) See Appendix A Table XXII.

SECTION II

THE PRESENT STATE OF DELINQUENCY IN THE PHILIPPINES

The conclusions set forth in the preceding section are based on the statistics for five years, from 1903 to 1907.

Are we warranted in drawing the same conclusions from the statistics for 1908 to 1912? (1)

In looking over the description of crimes published in the daily papers, one gets the impression that the Philippines, as far as criminality is concerned, is going from bad to worse, that the number of criminals is increasing, that life and honor are constantly threatened, and that property is in serious danger. Some of the headlines published in the papers could better be used as titles to dime novels than as descriptions of horrible events which should be strongly condemned by society. Some of these headlines, taken from newspapers published from 1912 to 1913 are as follows:

"The Outcome of a Civil Suit", "Sensational Crime", "Dangerous Mormonism", "A mater of Petticoat", "Crime in Negros," "The Price of a Kiss", "Crime in a Jail," "Rape of a girl of twelve years", "A Pretended Suicide", "Double Crime,"

(1) The statistical tables found in this section are taken from the report of the Attorney-General published in 1909-1912. The report for 1913 is unpublished.

"The Reign of Vice", "The Revenge of a wounded Heart", "Death in Marriage", "A Tragedy of Love," "A Secret of Jueteng," "Election Frauds," "For the Sake of a Woman's Heart," "Sexual Abnormality", "The Voice of Honor", "The Jealousy of a Moro," "A Case of Hermaphrodism," "An Accident or a Crime", "Tragedy in a Home," "Hung like Judas", "Outlaw and Victim," "A Tragedy among the Blinds," "You will never belong to anybody," "A Mysterious Crime", "A Nameless Crime," "Dynamic Love," "A Tragic Event," "A Tragic Panguingue," "The Wake of the Crime," "A Wife for Sale," Murdered Spaniards," "The End of a Drama of Love", "A Bloody Scene", "A Hold-up in Paz Theater", "The Murder in Taft Avenue," "The Murderers of a Dwarf," "An Abnormal Child," "A Case of Adultery", "A Lover's Dagger," "In Defense of Honor," "Othelo of Bulaknin," "A Case of Incest," "A Human Beast," "Victims of the Flesh," "When Love Dies," "Rape by two Negroes," "A Frustrated Robbery," "Crimes due to Gambling," "Terrible Tragedy in Imus," "An Old man, beaten up", "Scissors and Razors", "A Horrible Tragedy of Passion," "A Tragedy in Red-light District," "A Victim of Anting-anting," "A Case of Sodomy", "A Bold Robbery", "A Tragic Comedy of Love", "A Case of Vandalism," "A Girl Kidnapped and Raped," "A Bloody Fight," "A Man who kills his Father-in-law," "A Daugther who Accused her Mother", "Again in the Cage," "An Expensive Ride", "A Fight Among Religious Partisans", "A Dangerous Amusement," "Victims of

Dancing", "A Case of Whipping", "Whipping in the School", "An Epileptic Killing his Brother," "A Fight between Brothers", "A Blindfolded Justice", "A Monstrous Mother", "A Criminal Instinct", "Dagger of Othelo", "Reality and Fiction," "Blackmail by an unbalanced young man," "Repugnant Crimes", "A Case of Bigamy," "A Parricide in Opon", "A Dead Body on the Beach", "A Serious Event".

From these one could suppose that offenses against property and against sex had increased at a rate commensurate with the advances made by means of modern transportation.

As regards offenses against property, statistics show that during the eight years from 1903 to 1911, the value of property misappropriated amounted to ₱761,931.56 the value of stolen property ₱846,453.50, and the value of embezzlements ₱1,067,339.59, which, together with misappropriated public funds ₱366,231.28, amounted to ₱1,433,570.87. The total of all these amounts is ₱3,430,945.93, the yearly average being ₱380,494.50.

As regards offenses against sex, it will be sufficient to state that in addition to the crimes against chastity many of the crimes against persons, such as manslaugther, murder, assault and battery, etc., are due to the uncontrolled sexual instinct of man.

Let us examine the more important statistics for the period of five years from 1908 to 1912 to see whether or not they bear out the conclusions reached from the statistics for the period of 1903

to 1907, as compared with that of the previous quinquennium. For the sake of clearness, it will be necessary to examine the most interesting tables of the quinquennium taken from the judicial statistics of 1913 which are still unpublished. (1).

The yearly average number of cases during the period of 1903 to 1907 and the period of 1908 to 1912, the number of persons accused, the number of persons convicted as well as the percentage of accused persons who were convicted, may be seen in the following table:

	Average for	
	First Period 1903-1907	Second Period 1908-1912
Cases filed.....	5,070	8,131
Persons accused.....	7,359	11,677
Persons convicted.....	2,984	4,878
Percentage of person convicted	41 %	42%
Convicted for every 10,000 inhabitants	3.90	6.37

It will be observed that the average number of cases filed as well as the number of persons accused and convicted is highest during the period of five years ending in 1912.

As regards the number of persons convicted,

(1) See Appendix A.

we find that during the period of 1903 to 1907, we have 3.90 for every 10,000 inhabitants, while in the second period, from 1908 to 1912, we have 6.37 for every 10,000 inhabitants.

Limiting ourselves to common crimes against persons, property and chastity, a comparison of the average for the two periods is as follows:

	Average for	
	First Period 1903-1907	Second Period 1908-1912
Accused of crimes against persons	1,226	1,808
Accused of crimes against property....	2,099	2,898
Accused of crimes against chastity	566	1,121
Total	3,891	5,827

Increase 33%

In these three large groups of crimes it will be seen that the average for the second period is greater than that for the first, the total increase being 33%

When we examine the common crimes included in the three large groups mentioned, and when we compare the average numbers for the two periods, we have the following:

	Average for	
	First Period 1903-1907	Second Period 1908-1912
Crimes against person:		
Parricide	31	52
Murder	305	435
Homicide	263	344
Personal injuries ..	475	863
Abortion	55	6
Infanticide.....	4	7
Assault and battery.	52	95
Total	1,185	1,702

Increase 30%

In this table again we see that the average number of crimes has increased during the second period with the only exception of the number of criminal abortions which has evidently decreased during the second period. This fact is worth mentioning as it indicates that there is, on the part of everybody, a desire to assist in the increase of the population.

As regards the common crimes against property, we have the following averages:

	Average for	
	First Period 1903-1907	Second Period 1908-1912
Crimes against property:		
Robbery	804	870
Theft	836	2,210
Swindling	325	510
Arson	49	88
Damages	60	182
Total	2,074	3,860

Increase 21%

It will be noticed that in all these crimes against property the average number is greater in the second period than in the first, the increase being 27%.

Regarding crimes against chastity statistics for the two periods show the following averages:

	Average for	
	First Period 1903-1907	Second Period 1908-1912
Crimes against chastity:		
Adultery	165	400
Rape	200	340
Abduction	137	192
Seduction and corruption of minors.	41	123
Bigamy and public scandals	23	66
Total	566	1,121

Increase ..... 49 %

In this table, as in the previous ones, the averages for the second period are greater than those for the first. While the increase in the number of crimes against persons is 30% and in the number of crimes against property is 27%, in the crimes against chastity is 49%. This indicates that this class of crimes has greatly increased and that there is a need of improving public morality.

Criminality will not decrease by instruction

alone of the people. Well-known criminologists have repeatedly stated that instruction alone will not decrease criminality, unless it is aided by moral education, and that knowledge which does not have a moral influence on the individual makes him, in many cases a more refined and dangerous criminal.

It is necessary to add to intellectual improvement not only physical education, but also moral education, that education which betters our customs and ennobles the sentiments, that which fosters civic virtues and destroys social vices, thus preventing the commission of more crimes. A moral man is not possessed of the tendency to commit crimes.

The proportions of the different crimes, as well as of the different groups of crimes for every 10,000 is as follows:

	Proportions for every 10,000 inhabitants.	
	First Period 1903–1907	Second Period 1908–1912
Crimes against person		
Parricide	.04	.06
Murder..	.40	.57
Homicide	.35	.45
Personal injuries..	.62	1.13

Total including all crimes against persons..	1.66	2.37
Crimes against property:		
Robbery.	1.06	1.13
Theft	1.09	1.58
Swindling	.48	.66
Total including all crimes against property.	2.73	3.79
Crimes against chastity:		
Adultery	.22	.52
Rape..	.26	.44
Abduction	.18	.25
Seduction	.06	.16
Total of proportions of all crimes against chastity .	.74	1.31

All these tables show that the average number of crimes in the second period has increased when we consider them either in groups or as isolated offenses.

It is true, that in determining the proportions which correspond to the second period, we

reckon them on the basis of the number of inhabitants according to the census of 1903, while in reality the number of inhabitants must have increased, due to the natural increase of the population in the country. However, when we consider the great difference between the averages of the first and second periods, our conclusion based on them would hardly be affected by such a consideration, especially if we take into account the increase in the number of acts penalized by law.

When we consider the number of crimes according to sex, we have the following statistics for the two periods:

	First Period 1903–1907	Second Period 1908–1912
Men	6,892	10,652
Women	456	1,025
For every 100 accused.		
Men	93.79	91.00
Women	6.21	9.00

This table shows that the number of crimes committed by men as well as the number of crimes committed by women has increased.

In my study on criminal tendencies (1), I have noted that, for every 100 crimes, such as murder, homicide and personal injuries commit-

(1) See Section IV, II, The influence of sex on crimes.

ted by men, women committed 4.65, 4.95 and 8.97, respectively; that is to say, that the milder form of crime prevails in women.

In the crimes due to avaricious proclivities, I found that for every 100 robberies, theft or swindling committed by men, women commit 2, 7 and 12, respectively, which is only natural.

The small number of crimes committed by woman may be explained by the fact that she is not engaged, as man, in the bitter struggle for existence, for she generally lives under the protection and care of her parents or husband. In addition, she is called upon by nature to fulfill the most delicate of duties,—that of motherhood—and, naturally, spends most of her time in the home, far from the bitter struggles of the world and thus protected from the rough and greedy aspect of life. Therefore, there are naturally developed in women more affectionate tendencies, more noble sentiments, which are transmitted through inheritance and strengthened by education, and which express themselves from early youth.

As regards the influnce of education on the commission of crime, we have the following:

	First Period 1903–1907	Second Period 1908–1912
Percentage of persons accused:		
With instruction..	36.84	.35
Illiterates	63.16	.37
Unknown	—	.28
	100.00	100.00

It is to be observed that the illiterates commit a great proportion of the crimes of a violent form, while, on the other hand, those with some education commit crimes which require shrewdness such as abduction, seduction and swindling. This table shows that crimes in the second period are almost equally distributed between the illiterates and those with some education. If, in spite of the fact that the number of illiterate people who commit crimes has diminished as educational opportunity is being extended to the mass of the people, and yet criminality is increasing in all its aspects as we have seen in previous tables, it seems logical to conclude that instruction transforms rather than diminishes the commission of crimes.

As to whether civil status has any influence on criminality, the statistics for the two periods give the following facts:

	First Period 1903–1907	Second Period 1908–1912
Percentage of persons accused:		
Married	45	44
Single	50	25
Widowers	5	5
Unknown	—	26
Total	100	100

In the first period, it seems that criminality is nearly evenly distributed between the married and single; in the second period, however, criminality seems to be more prevalent among the marrried men than among the single men. It seems to me that this is in accordance with the real nature of things. There is no doubt, that the struggle for existence has become keener in the last period and it is natural, therefore, that the married men, who must support families would be more liable to commit crimes than the single men.

In order to find out at what age in life the criminal tendency is more highly developd, let us examine the following data covering the second period:

From 9 to 15 years	71
From 15 to 20 years..	708
From 20 to 30 years..	3,361
From 30 to 40 years	2,965
Over 40 years	1,677
Unknown	2.895
	11,677

It is thus seen that the greatest number of crimes is committed between the ages of 20 and 40, the most critical period in a man's life. (1).

As regards the relationship between criminality and occupations, we see in the statistics for the first and second periods that they are ranked as follows:

Weavers, washerwomen, artisans, tailors, students, soldiers, storekeepers, servants, seamstresses, sailors—all of these with an average of from 21 to 125.

The crimes against person are common among farmers, land—owners, students, and cooks. This shows that in those occupations in which people are well assured of their subsistence, the aggressive tendencies are highly developed. On the other hand, in the crimes against property the following occupations prevail:

Barbers, carpenters, coachmen, brokers, salesmen, laborers, workingmen, fishermen, servants and those who have no occupation. In those occupations in which there is greater insecurity or insufficiency of food, the acquisitive tendencies are more highly developed, theft being

(1) See Section IV, III, The influence of age on crimes.

predominant in some occupations and swindling in others. For example, carpenters, coachmen, laborers, workingmen, servants and those who have no definite occupations commit more theft than embezzlement. On the other hand, salesmen, brokers, land-owners and fishermen commit more embezzlement than theft. May it not be possible that the reason for this lies in the fact that they are inadequately paid or compensated and therefore need to exercise their ingenuity in order to win in the struggle for existence?

The number of recidivists for the two periods is as follows:

	First Period 1903–1907	Second Period 1908–1912
Twice	337	724
Three times	166	299
Four times	91	48
Five times	53	
Seven times	30	
Eight times	30	
Nine times	23	
Ten times	11	

From these data we see that the number of recidivists for two or three times has increased in the second period. On the other hand, the number of recidivists for four or more times has decreased to a considerable extent.

Juvenile delinquency has also increased during the four years previous to 1908; 291 boys and

29 girls were sent to the Hospicio de San José; making a total of 320 or an annual average of 80 children. On the other hand, during the period of five years ending in 1912, there were sent, by the Court of First Instance, to the same institution 657 boys and 104 girls which, together with 610 children sent by the Municipal Court of Manila, makes a total of 1,371 or an annual average of 274. Juvenile delinquency takes the nature, principally, of violation of municipal ordinances and rules of the Bureau of Health as well as vagrancy, theft, robbery and embezzlement.

It is true that the number shown in our statistics is almost insignificant when compared with statistics for other countries. However, it is necessary that the Insular Government should establish orphan asylums, and reformatory institutions where all these juvenile delinquents, as well as foundlings, may be kept, protected and educated. In the meanwhile, the provincial and municipal governments might well distribute the juvenile delinquents and foundlings in their provinces and municipalities among well-to-do families in the locality for such length of time as the court may determine.

Before attempting to establish courts for juvenile delinquents, the government should encourage the establishment of private institutions for the protection of convicted vagrants and abandoned children. With such a step juvenile delinquency would decrease.

When we examine also the cases filed with the

Justice of the Peace, we will then have an idea of the real extent of criminality in our country.

The number of accused persons for the period of five years from 1909 to 1912 was as follows:

	Men	Women
Infringement of the Commission laws and those of the Legislature..	32,569	761
Idem of the Penal Code	36,230	7,414
Idem of the Municipal Ordinances.. ..	30,151	7,151
	98,950	15,326

During the last period the number of accused persons in the Municipal Court of Manila was as follows:

	Men	Women
Infringement of the City Ordinances and other offenses..	15,140	2,878

The total number of men was 114,090 and that of women 18,204 making a total of 132,284. This number, indeed, represents an enormous loss to agriculture and a great expenditure of public money for their maintenance.

As regards the relationship between age and criminality, in the cases filed with the Justices of the Peace Courts the same fact seems to be true as the one we have found in the statistics of cases in the Court of First Instance, and that is, that the greater number of delinquents are between the ages of 25 and 40.

In brief: It must have been evident that the only two instances in which comparison between the two periods is favorable to the second are in

the cases of criminal abortion and recidivism for four or more times.

From whatever point of view we consider the question—from the point of view of the number of accused persons, of the number of convicted persons, of the different groups or kinds of crimes, or from the point of view of age, sex, education, occupation, etc. etc.—the comparison of the statistics for the two periods is undoubtedly unfavorable to the second period. Even when we consider the question from the point of view of every 100 persons accused or every 10,000 inhabitants, the results is the same, that is, the number of crimes in the second period is proportionally larger than in the first.

Taking the totals of all accused persons in all classes of crimes, the number of crimes for every 10,000 inhabitants is 9.63 for the first period and 15.29 for the second period.

However painful the impression of this fact may be to our people, however bitter this truth may be to us, we are compelled to concede and to conclude that criminality has increased for the period of five years since 1912.

What are the causes of this social phenomenon and what are their remedies, is the topic to be discussed in the following sections.

SECTION III [1]

THE INFLUENCE OF HEREDITARY TENDENCIES ON CRIMINAL ACTS

The various causes of crime is a question not definitely settled, but the criminological investigations thus far carried out furnish a sufficient basis to sustain the fact that, while poverty and the lack of education are the causes of the majority of crimes, on the other hand, ennui and idleness, in the wealthier classes, lead to vices more or less degrading. The statistics of our country show that of 46,034 persons accused of crime during the six years from 1904 to 1910, 10,181 were illiterate, while in the case of 28,016, the records do not show whether they had received any instruction. Examining Table No. 35 of the "Criminality in the Philippines" with reference to the number of inmates in Bilibid it will be seen that during the quinquennium from 1904 to 1908, the working class contributed the greatest number, with a total of 35,345, or an annual average of 7,069. The greatest number of prisoners confined, admitted and discharged, was recorded in the year 1905, when there were 2,896 in prison, 3,016 admitted and 3,807 released. In order of numerical importance, the coachmen come next, with a total of 4,008 during this period of

(1) Published by Cultura Filipina, and by Philippine Law Journal, Vol. 2, Dec. 1915, No. 5.

five years; next come the agricultural laborers, servants, clerks, fishermen, carpenters, sailors, laundrymen, and merchants. Each of these group of prisoners exceeded a total of 100 admitted into and released from prison more than once. The majority of these prisoners were convicted of misdemeanors and for infractions of municipal ordinances, and the figures which appear in the table mentioned show clearly that there is more crime amongst the poor class than amongst the well-to-do. We find, moreover, that out of 4,396 prisoners confined in Bilibid in the preceding fiscal year, 1,246 were convicted of crimes against property, constituting a ratio of 28 to every 100 prisoners confined in Bilibid; and lastly, the average per year of persons sentenced by the justices of the peace and sent to the municipal prisons is 8,646 for violation of laws enacted by the Commission, and 4,646 for infraction of municipal ordinances. A careful study of these figures will reveal the relation which exists between crime, poverty, and ignorance.

The effect of heredity, as a cause of crime, is scarcely realized by the great majority of observers, who, ordinarily, believe that much depends upon the environment which surrounds the individual. But atavism, or the tendency to revert to the "primitive type," has come to be generally recognized by criminologists and its existence appears to be proved by historical and anthropological data. Lombroso, in fact, in his work entitled "The Delinquent," attributes to it a preeminent place in the investigation into the

causes of crime. There are many proofs, says Judge Foster in his "Hereditary Criminality and its Cure," which show to how great an extent the well-being of the child depends upon the physical and mental health of the parents, and which establish the fact that the fate of the child may depend upon some physical weakness or emotional sensations at the time of conception. Let us take the famous case of Jesse Pomeroy, who, during his childhood, comitted several murders of young children with a brutality truly savage, for which he was imprisoned for life in the state prison of Massachusetts. It was the general belief that the sanguinary impulses of the child were the direct result of influences contracted prior to his birth; it is said that the mother had conceived in the vicinity of the slaughter-house where her husband was a butcher, and so the sight of so much blood had its effect upon the character of the child.

The act of generation is the most lofty of all the human functions, and carries with it consequences which need no demonstration. It suffices to say, then, that every physical weakness, every new disease in the man or in the woman, may create an additional impediment in the offspring within the maternal womb, or perhaps even cause the destruction of a life or of a succession of lives. Statistics as well as the studies of genealogy of criminals made by learned authors, such as Aubry, Griffiiths, Lombroso, Poellman, and Dr. Stocker, seem to prove that the

great majority of the parents of criminals were given to evil, if not criminal, habits.

Aubry has proven the history and genealogy of a British family of criminals well known through five generations. Its history begins with the last century with Aime Gabriel Kerangal and his wife. Its lineage, through five generations consisted of a family, poverty-stricken, of criminals, friends of criminals, and harlots; although no one was affected with insanity, yet, suicide, incest and crimes against chastity have been frequently practised by the family.

Crimes accompanied with bloodshed are imputed to seven persons in the genealogical trunk of the family and other crimes to nine other members.

Griffiths in his work "Misterios de la Policia y del Crimen," makes a brief narrative of the Dunhill family of Yorkshire, whose chief, Snowden Dunhill, as leader of a gang of brigands, created a reign of terror throughout the western part of Riding. He was banished for seven years, in 1813, for the robbery of a granary. On his return he was again sentenced to be banished, at the same time that his son was, while his daughters Rosa and Sarah were imprisoned for theft. All who came in contact with the Dunhills fell under their evil influence; Dunhill's wife was deported, and likewise, Sarah's three husbands and Rosa's two.

The same author notes that the most notorious Italian bandits were, in so far as their inclination to crime was concerned, the heirs of

their parents; that the Coles and Youngers of the western part of the United States, were intimately connected by bonds of relationship and many of the members of the Napolitan Camorra were brothers. In southern Italy there is a town which was the heaven of criminals for several centuries the natives of which place, related by marriage, followed by tradition the custom of robbing their fellowmen. In Madras (Trichinópolis), there is a cast especially devoted to different classes of crime; the police are well informed of the criminal practices of certain Indian tribes which transmit the propensity to crime regularly from generation to generation.

Lombroso, likewise, records a large number of cases where the criminal tendencies appear in successive generations. Dumollard, the notorious murderer of women, was the son of another murderer; Patetot was the grandson and great-grandson of two other criminals; fourteen members of the Nathan family were found in prison at the same time and in the same penitentiary; the Nathans constituted a gang of highway robbers, all related among themselves either in the first, second or third degrees.

But to this date, the most scientific and thorough study ever made of the transmission of crime by heredity is "The Jukes: A Study in Crime, Pauperism, Disease and Heredity," by R. L. Dugdale (Putnam's 1877). The native residence of this family was in the outskirts of New York, a stony and inaccessible place, having a cave for a home where they slept carelessly in

winter with their feet near the fireplace. Their earliest predecessor came from the first Dutch colony, born about 1720 or 1740; he was a hunter and a fishermen, addicted to drink, social and jovial, very much adverse to work, engaging himself in useful employment only once in a while. He lived to an old age, until he became blind, and upon death, left a large lineage more or less illegitimate.

Two of his sons married two sisters from an illegitimate family of five. These sisters were known as the "Jukes". The descendants of these five sisters were carefully identified to a number of 709 through five successive generations. The true number of their progeny probably reached 1200. Although this family has produced a certain number of honest workmen, it was composed, in its majority, of criminals and harlots, vagrants and indigent persons. The number of those who could be classed as skilled workmen did not reach twenty, and of this number, ten learned their trades while in prison, while 180 of them received help through a period of eight hundred years. Of the 709 members, 76 were criminals; of the women, more than one half were harlots (52.40%) and the average of those of normal habits was only 1.66%. The learned writer estimates that during this period, the "Jukes" cost the state $1,250,000 without counting the horrifying of crime and criminals left to posterity. There has been no other more instructive treatise on criminology than the history of the "Jukes".

The question of heredity has likewise been

proven by means of statistical data by Professor Poellman of the University of Bonn, who has made a study of the descent of a drunken woman who died in the beginning of the nineteenth century. The fifth of sixth generation of her posterity reached 834 persons. Records of 709 of them have been gathered, and it was found that 107 of them were of illegitimate birth, 162 were mendicants by trade, 64 lived in asylums for the poor, 181 were harlots, 76 were convicted of grave crimes and 7 were condemned to death for murder. The total cost to the state to care for this woman's indigent lineage and for the punishment of her delinquent progeny, together with sums given as alms by private persons and the amounts stolen by them, is estimated to have reached $1,206,000 or about $12,000 annually. This expenditure, according to Judge Foster, has been increasing to this very date because fecundity among irresponsibles is notable, due, perhaps, to their lack of the sense of responsibility. Children are to them rather a capital than a charge, if they ever at all think of them.

The influence of the hereditary cause is once more shown by the investigations made by Rev. Dr. Stoker of Berlin. He investigated 834 descendants of two sisters who died in 1825, and found among them, 76 who had served sentences totalling 116 years, 164 harlots, 106 illegitimate children, 17 ruffians, 142 beggars and 64 indigents.

Statistics, moreover, seem to prove that Great Britain, compared with the other countries

of Europe and with the rest of the world, is relatively free from crimes, and this comparative immunity, according to the explanation of learned foreigners, is due to the frequency with which executions were formerly made and to the summary deportation from Europe of all those convicted of serious crimes, whereby not only were the criminal classes eliminated, but also the convicted were prevented from producing more criminals in their native land. It will be remembered that in the eighteenth century, according to the laws of England, there were more than 150 crimes of different classes which were punishable with the penalty of death. Criminologists, carrying their investigations further, have discovered that in New South Wales, Tasmania, and Western Australia, where Great Britain transported their criminals, more crimes are committed than in any other part of Australia.

On the other hand and in a contrary sense, there has been made an investigation of the Edwards family of New England. This family descended from an illustrious religious people of strong faith; it comprised distinguished characters in American history and they were all honest and able citizens. Jonathan Edwards was born in East Windsor, Connecticut, in 1703; 1,394 of his descendants were identified in the year 1900; and of this number, 295 received degrees from various colleges; 13 became college presidents of the greatest institutions in America; 65 were professors, besides many other who were supervisors of educational centers; 60 were physicians,

100, clergymen, missionaries or professors of theology, 75 were officers of the Army and Navy; 60 were authors or noted writers. 33 of the states of the Union, and several foreign countries, and 92 cities have felt the beneficent influence of their eminent activity; more than 100 were lawyers; 30 judges; 80 were public officers, one of whom was Vice-President of the United States and 3 were senators of the Federal Congress; several others were governors, members of congress, state legislators, mayors, ambassadors, etc.

The comparison, between these two families, the "Jukes" and the Edwards, described by Boies in his "Scientific Penology" would seem to be a forceful example of the influence of the hereditary cause in perpetuating certain characteristics, either virtuous or criminal.

SECTION IV

PROPENSITY TO CRIME (1)

Eminent scientists in all parts of the world have for many years been devoting themselves to the study of crime, its causes and its prevention, and the cultivators of the science of criminology already cover a vast field of research which comprises almost everything under the sun. While some analyze the physiological condition of the individual, his psychology, atavistic and hereditary tendencies, the influence of age and sex on criminality; others observe geographical conditions in order to discover the influence of the atmosphere, of temperature, of the rivers and seas, of agricultural products, of the soil and subsoil of the place where the individual is found and the kind of food he lives on; and, lastly others study social conditions, in other words, the influence of poverty and wealth, of habits, usages and customs, of vices, of civil status, of education, of professions, etc., on the comission of crimes. And in order to formulate doctrines from the splendid fruits of such studies, their advocates have advanced brillant theories in order to explain the causes of the social phenomenon called crime.

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(1) Published by Philippine Law Journal, March, 1915, by Cultura Filipina, February, 1915 and by The Journal of American Institute of Criminal Law and Criminology, Vol VI, No. 5, Jun. 1916, page 729.

It can not be said, however, that all questions on criminology have been completely settled. There are still serious objections to some conclusions drawn by criminologists, and the law of criminal saturation, for example, by virtue of which in every social environment there is a *minimum* of natural and atavistic criminality, due to anthropological factors, is still a mooted question. We are, therefore, in the midst of a period of research and analysis, and by way of contribution to these studies from which civilization and humanity derive so much benefit I propose to explain some additional facts, taken from our criminal statistics, in order to point out the causes which, in my opinion, facilitate the development of certain criminal tendencies.

I.

There are many facts tending to show that the perpetration of crime is not exclusive work of the free volition of man, but the result of multitudinous contributory causes which constantly stir him, thus promoting the development of certain tendencies or the propensity to certain acts.

To illustrate this proposition, we have taken the averages given by the statistics compiled by the Bureau of Justice during the fiscal year 1912-1913, heretofore unpublished, regarding the most common offenses against persons, against property and against chastity.

For the sake of clearness, we have divided all the provinces of the Archipielago into three

regions, taking into consideration the degree of ethnological and geographical affinity among their inhabitants.

THE INFLUENCE OF LOCAL CONDITIONS ON CRIMES

Crimes produced by aggresive tendencies

(a)

PROVINCES AND SUBPROVINCES.	Parricide	Murder	Homicide	Physical Injuries
Northern Luzon (*)				
Benguet (s)	—	—	2	2
Cagayan	2	14	10	14
Ilocos Norte	1	6	6	30
Ilocos Sur	1	18	10	48
Isabela..	1	8	6	8
La Union	—	4	2	20
Lepanto-Bontoc (s)..	—	15	6	4
Nueva Vizcaya	—	3	1	—
Pangasinan	7	16	24	60
Tarlac	1	8	8	22
Zambales	—	2	—	3
Total..	14	95	77	214
Ratio per 10,000.	.09	.61	.41	1.00

(*) Fractions of less than one-half are not counted in these tables.

Central and Southern Luzon	Parricide.	Murder.	Homicide.	Physical injuries
Albay	1	2	5	32
Ambos Camarines	2	15	3	14
Bataan	—	15	6	11
Batangas	1	22	12	42
Bulacan	—	4	6	15
Cavite	1	14	12	17
La Laguna	2	10	8	18
Manila	2	10	13	9
Marinduque (s)	—	—	1	1
Mindoro	—	4	3	11
Nueva Ecija	1	15	20	21
Pampanga	2	8	6	8
Rizal	—	8	2	21
Sorsogon	1	3	2	20
Tayabas	3	10	4	28
Total	19	142	105	271
Ratio per 10,000.	.08	.51	.44	1.14
Visayas and Mindanao				
Antique	—	4	1	12
Bohol	1	7	5	9
Capiz	1	20	28	39
Cebu	5	57	45	84
Cotabato	2	4	—	—
Cuyo	—	—	—	—
Dapitan	—	3	3	4
Davao	—	10	2	1
Iloilo	2	16	7	36
Jolo	—	6	8	—
Lanao	—	3	2	1
Leyte (Maasin)	1	20	7	11

Leyte (Tacloban) ..	2	12	15	31
Masbate (s)	—	1	3	4
Misamis	1	4	9	35
Negros Occidental. ..	1	14	29	46
Negros Oriental	1	20	20	27
Puerto Princesa	—	1	3	1
Romblon (s)	—	3	3	3
Samar	3	9	9	33
Surigao.	1	10	15	24
Zamboanga	—	7	3	11
Total	25	236	221	415
Ratio per 10,000.	.07	.70	.67	1.26
Grand total	58	473	403	900

(b) *Crimes produced by acquisitive tendencies*

Provinces & Subprovinces	Robbery	Theft	Embezzlement
Northern Luzon			
Benguet (s)	11	10	5
Cagayan	21	53	11
Ilocos Norte	39	80	11
Ilocos Sur	22	75	14
Isabela	13	38	8
La Union	16	13	13
Lepanto-Bontoc .. (s) ..	9	14	2
Nueva Vizcaya	3	2	1
Pangasinan..	83	114	41
Tarlac	39	43	18
Zambales	2	11	4
Total	258	454	128
Ratio per 10,000.. ..	3.44	2.88	.84

Central & Southern Luzon	Robbery.	Theft	Embezzlement.
Albay	29	46	17
Ambos Camarines.	24	40	14
Bataan	5	21	9
Batangas	39	86	13
Bulacan	46	27	17
Cavite	38	30	24
Laguna	77	64	53
Manila	50	127	110
Marinduque	1	6	2
Mindoro	7	7	2
Nueva Ecija	57	58	18
Pampanga	13	25	14
Rizal	29	31	14
Sorsogon	14	23	12
Tayabas	21	33	22
Total	450	624	341
Ratio per 10,000	.88	2.55	1.43
Visayas and Mindanao			
Antique	7	11	6
Bohol	12	10	6
Capiz	33	39	14
Cebu	43	71	46
Cotabato	2	8	1
Cuyo	—	1	1
Dapitan	2	3	1
Davao	4	1	5
Iloilo	53	55	32
Jolo	12	—	1
Lanao	1	5	1
Leyte (Maasin)	21	18	11
Leyte (Tacloban)	28	19	10

Masbate .. (s)	3	11	3
Misamis..	11	30	9
Negros Occidental.	63	33	38
Negros Oriental	15	12	7
Puerto Princesa	3	1	—
Romblon (s)	11	37	5
Samar	6	26	14
Surigao	4	12	6
Zamboanga	7	22	10
Total	341	425	227
Ratio per 10,000	1.03	1.38	.68
Grand Total	1,049	1,503	696

(c) *Crimes produced by sexual tendencies.*

PROVINCES & SUBPROVINCES	Adultery	Rape	Abduction	Seduction and corruption of minors.
Northern Luzon				
Benguet (s)	—	2	—	2
Cagayan	9	3	3	5
Ilocos Norte	18	10	2	5
Ilocos Sur	8	4	7	4
Isabela	7	3	—	1
La Unión	5	3	1	2
Lepanto-Bontoc (s)	—	2	1	1
Nueva Vizcaya ..	19	2	3	—
Pangasinan	31	17	16	8
Tarlac	19	11	6	2
Zambales	5	3	1	1
Total	121	60	40	31
Ratio per 10,000	.78	.39	.26	.20

Central & Southern Luzon	Adultery.	Rape.	Abduction.	Seduction and corruption of minors.
Albay	19	7	5	5
Ambos Camarines	22	10	2	9
Bataan	13	28	6	1
Batangas	10	21	12	4
Bulacan.	8	14	6	3
Cavite	13	33	22	4
La Laguna.	24	22	15	9
Manila	30	18	13	19
Marinduque (s) .	1	3	—	1
Mindoro	2	6	3	1
Nueva Ecija. .. .	9	28	11	6
Pampanga.	4	18	3	1
Rizal..	11	17	11	7
Sorsogon	11	5	5	3
Tayabas	13	10	5	4
Total.	190	240	119	77
Ratio per 10,000	.80	1.00	.49	.32
Visayas and Mindanao				
Antique.	2	1	1	4
Bohol	5	3	1	1
Capiz	6	12	3	2
Cebú.	36	15	13	13
Cotabato	—	1	—	1
Cuyo	3	—	—	1
Dapitan	2	1	—	—
Davao	4	1	1	1
Iloilo	5	5	6	5
Jolo	—	—	—	—
Lanao	5	1	—	—
Leyte (Maasin) ..	7	2	2	4

Leyte (Tacloban).	17	11	11	6
Masbate (s)	5	1	1	1
Misamis	3	6	2	6
Negros Occidental.	11	6	19	5
Negros Oriental ..	6	7	2	2
Puerto Princesa .	—	1	—	1
Romblon (s)	5	2	2	1
Samar	16	5	4	5
Surigao	6	6	1	1
Zamboanga.	11	3	1	3
Total..	155	90	70	63
Ratio per 10,000	.46	.27	.20	.18
Grand Total. ..	466	390	229	171

Examining the general averages thus obtained concerning offenses from aggressive tendencies, it will be seen that the provinces having a larger average than fifty are, in the Northern region, Pangasinan, with 107, and Ilocos Sur, with 77; in the Central and Southern region of Luzon, Batangas with 77, and Nueva Ecija with 57; and in the Visayan and Mindanao region, Cebu with 191, Occidental Negros with 90, Capiz with 88, Oriental Negros with 68, Iloilo with 61, Leyte with 60 and Samar with 54.

If we compare the total averages of each region, it will be observed that, as to the crime of parricide the region of the North gives a general average of 14, that of Central and Southern Luzon, 19, and that of the Visayas, 25. The following are the averages for murder; 95 in the re-

gion of Nothern Luzon, 142 for that of Central and Southern Luzon, and 236 for the Visayas and Mindanao. In respect to homicide, we have the following averages: 77, 105 and 221, respectively, and as for physical injuries, the following averages appear: 214, 271 and 415 for each of the regions of which we have been speaking. From these data it can be inferred that the greatest general averages for crimes from aggressive tendencies belong to the region of the Visayas and Mindanao. And if we should establish a comparison on a basis of ten thousand inhabitants in each region, it turns out that the Visayan region also has the greatest ratios, except with regard to the crime of parricide, regarding which the highest ratio, 0.09, goes to the region of Northern Luzon, while the region of Central and Southern Luzon and that of the Visayas and Mindanao only show a ratio of 0.08 and 0.07, respectively. As far as murder is concerned, in each region we have the following ratios: 0.61, 0.51 and 0.70; as to homicide, 0.41, 0.44, and 0.67, and regarding physical injuries, 1.00, 1.14 and 1.26. From the foregoing it appears that the crimes perpetrated through the influence of aggressive tendencies predominate in the Visayan and Mindanao region.

As regards crimes committed upon the impulse of acquisitive tendencies, the foregoing tables show that the averages over 100 belong to the provinces of Pangasinan with 238, Ilocos Norte with 130, Ilocos Sur with 111, and Tarlac with 100, in the region of Northern Luzon; Manila with 287,

Laguna with 194, Batangas with 138, and Nueva-Ecija with 133, in Central and Southern Luzon; and in the Visayan region, the provinces of Cebu with 160, Iloilo with 140 Occidental Negros with 134. Comparing the general averages for crimes from nutritive tendencies in each region, it will be noted that Central and Southern Luzon has the greatest averages in regard to crimes against property. But from a comparison of the same averages for each thousands in each region it appears that in regard to the crime of robbery, Northern Luzon gives a ratio of 3.44 and Central and Southern Luzon, 1.88, while the region of Visayas and Mindanao only gives a ratio of 1.03. As to the crime of theft, the region of the North has a ratio of 2.88, that of Central and Southern Luzon, 2.55, and that of the Visayas, 1.38. And regarding the crime of "estafa" (embezzlement,) the said regions have the following ratios respectively: 0.84, 1.43 and 0.68. From the foregoing it appears that the crimes of robbery and theft predominate in the region of Northern Luzon and that of "estafa" in Central and Southern Luzon.

With respect to the crimes produced by sexual tendencies, it appears from the preceding table that the averages over 50 are as follows: for Pangasinan, 72, in the region of the North; Manila, 80, Cavite 72, Laguna 70, and Nueva Ecija 54, in the Central and Southern Luzon region; and in the region of the Visayas, Cebu gives an average of 77. Comparing the general averages of each region, it is seen that the Northern

region gives a total averages of 121; that of Central and Southern Luzon, 190, and that of the Visayas and Mindanao, 155, as to the crime of adultery; for the crime of rape the respective general averages of each region are 60, 240 and 90; concerning the crime of abduction, the respective averages are 40, 119 and 70, and for the crime of *estupro* (seduction) the averages are 31, 77 and 63, respectively. As will be noted, the greatest averages belong to the region of Central and Southern Luzon. Establishing now a comparison for every ten thousand inhabitants in each region, the respective ratios are 78, .80, and .46 for the crime of adultery; .39, 1.00 and .27 in regard to the crime of rape; as to the crime of abduction, .26, .49 and .20; and concerning the crime of *estupro* (seduction) .20, .32 and .18. These figures show that the greatest ratios for every ten thousand inhabitants, as well as the highest general averages, belong to the Central and Southern Luzon region. It appears, therefore, that crimes produced by sexual tendencies prevail in this region.

Having seen the data furnished by statistics regarding the tendencies which lead to the commission of crimes in the three regions into which we have divided the Archipielago, we shall now inquire whether local conditions, food and the mode of life of the inhabitants of each region give any reasonable explanation of the forgoing facts. In the region of the Visayas and Mindanao for example, it is worthy of notice that the sea air has a tendency to create a salutary equilibrium of

temperament, and has a powerful influence on the physiology and psychology of the people living on the coast, giving them greater vigor as well as greater muscular energy. This fact seems to exert a great influence on the character of the inhabitants of those islands, which distinguishes them from the inhabitants of the Luzon provinces.

People living on the coast generally use for food fish, mollusks, and crustacea, whose nutritive value is recognized, on account of the great quantity of albuminoid matter which they contain, and which endows these inhabitants with greater physical vigor. Again, the inhabitants of sea-coast regions, such as those of the Visayas, are usually engaged in seafaring and fishing occupations which, aside from their favorable atmospheric and maritime influences, invigorate the human body and give greater activity and enterprising spirit to the individual. Thus, it is seen that the high figures given for the region of the Visayas and Mindanao, respecting the crimes committed by aggressive tendencies, are, it is believed nothing more than the result of local conditions which give the individual a strong, vigorous and aggressive character.

Among the crimes due to acquisitive tendencies, the crimes of robbery, and theft predominate in the region of Northern Luzon. This result, which, at first sight, seems unlikely in view of the characteristic industry of the natives of the North shows, however, the influence of hunger as a cause of crime. Indeed, during the past

few years, the provinces of this region have passed through a great economic crisis, which naturally provokes and stimulates the exigencies of nutrition. The principal products of Northern Luzon, such as tobacco, *maguey,* (1) indigo and others, have been suffering marked depreciation from year to year. Agriculture, to which its inhabitants are devoted by nature, has experienced, for successive years, a great set back as a consequence of an uniterrupted series of public calamities, such as droughts, storms, locust plagues and rinderpest, resulting in scanty crops. The want of the necessaries of life, as also the scarcity of labor for lack of money, is very noticeable in interior towns, and the inhabitants thereof have to immigrate to other provinces, even temporarily, in search of greater opportunities.

On the other hand, "estafa" predominates in Central and Southern Luzon. This is explained by the fact that in this region, we have the provinces where the industries are more flourishing and commerce more active; where there is greater intercourse, thanks to the facility and rapidity of means of communication, and where transactions such as sales on commission, deposits, loans, etc., are more frequent, which, with just a little bad luck and a little unfaithfulness, easily generate the crime of "estafa". Manila, Laguna, Cavite, and Tayabas have the greater number of cases of "estafa". Indeed "estafa" and fraud are frequent in sales on commission and other commercial transactions where credit

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(1) Agave cantala.

is often-times necessary, such as in the exportation of products, as hemp and copra, for instance.

The region of Central and Southern Luzon, furthermore, comprises the most thickly populated communities, where the increased desire for pleasure and comfort is generally obtained at the cost of the most elementary economy, where the love of luxury and convenience has taken the greatest strides, introducing into the customs and modes of life of its inhabitants new elements and needs which require the increase of means. Consequently, not a few of them, pressed by the exigencies of the times, and for the sake of appearances, assume obligations and duties which are not always easy to fulfill and are often greater than their own possibilities.

As has been said above, statistics reveal that crimes caused by sexual tendencies prevail in the region of Central and Southern Luzon. What is the cause of such phenomenon? Generally, it is attributed to the drifting away from religious beliefs, which leads to the relaxation of customs. But, aside from this, there are in this region other circumstances which necessarily bring about such consequences. In the provinces of Central and Southern Luzon, for example, due to the facility of communication, there is a greater circulation of reading matter of all kinds in the form of pamphlets, novels, "corridos", etc., which constitute, so to speak, the intellectual food dished out to the masses. As we all know the subject matter of much of this literature does not always serve

as a good moral background, but on the contrary, the manifest tendency in many cases seems to be to publish highly emotional and sensational matter, the over-indulgence in which is bound to have a baneful effect on good morals.

The development of sexual tendencies is also furthered by obscene pictures or drawings and the immoral and unsightly exhibitions too often seen in large cities, which, by exciting the sexual instincts, tend to lower the sense of shame, encourage incontinence and directly subvert chastity, a virtue which lies at the very foundation of our family life.

Considering now the relative influence of the tendencies in the three classes of offenses which we have been studying, the following figures show the number of accused persons: 1,256 by reason of sexual impulses; 1,834 on account of aggressive impulses and 3,248 as a result of acquisitive impulses. By comparing the first two averages, it will be seen that the smaller one corresponds to persons committing crimes through sexual tendencies. This result seems improbable, if we bear in mind the immense power of the generative function. But it is due in part to the great number of licit and illicit unions and in part to the fact that passional offenses, although provoked by sexual tendencies also augment the number of crimes from aggressive tendencies. That the average of those who commit crimes from nutritive tendencies is greater than the first two is explained by the powerful influence of economic conditions on the commission of crime.

II

THE INFLUENCE OF SEX ON CRIMES

	Parricide	Murder	Homicide	Injuries
Males	49	452	384	826
Females	9	21	19	74
Total.	58	473	403	900

	Adultery	Rape	Abduction	Seduction
Males	233	390	225	168
Females..	233	—	4	3
Total	466	390	229	171

	Robbery	Theft	Estafa
Males	1,019	1,394	619
Females	30	109	77
Total	1,049	1,503	696

The sum of all averages is 6,338 and out of that number 579 belongs to women, a figure which represents a ratio of 91 for men to 9 for women, for every 100 accused persons.

It will be seen that men not only predominate in all crimes, but also that there is a very great disproportion between the delinquency of men and

that of women, except with regard to the crime of adultery, which from its very nature, gives an equal number of accused persons for both sexes.

Looking at the crimes committed by women, according to their gravity, it is to be observed that for every 100 crimes of murder, homicide or physical injuries committed by men, women commit, respectively, 4.65, 6.95 and 8.97, that is to say, as far as women are concerned, the less violent forms of crimes from aggressive tendencies predominate.

As for crimes produced by acquisitive tendencies, for every 100 robberies, theft or "estafa" committed by males, women commit only 2, 7 and 12 respectively, a phenomenon, which is very much in conformity with their nature. The weaker sex is distinguished for its shrewdness, a principal element of the crime of "estafa," rather than for its strength.

The small degree of criminality of woman is explained by her separation from the struggles for existence, living as she does almost always under the protection and loving zeal of her parents or of her husband. Furthermore, being called by reason of her sex to fulfill the most delicate of missions—that of maternity—she is almost always confined in the home, far from the turbulent strife which the passions of men engender. And being thus isolated from everything that is brutal and violent, as Carpena says, she must necessarily develop more affectionate tendencies, softer feelings, which are transmitted by inheritance, reenforced by education, and manifested from early

childhood, in a strong but natural contact with the instincts of the other sex. Even in games, while the boy runs from home, eager to play "bunó", (1) or "baticobre", (2) the girl stays at home revealing maternal instincts by playing with her dolls seated in a small house constructed of bamboo and nipa.

III

THE INFLUENCE OF AGE ON CRIMES

	Parricide	Murder	Homicide	Physical injuries	General Percentage
Less than 15 years	—	1	2	8	1
From 15 to 20 years	5	33	27	83	8
From 21 to 30 years	24	178	152	342	38
From 31 to 40 years	19	143	111	264	29
More than 40 years	9	85	75	140	17
Unknown	1	33	36	63	7
Total	58	473	403	900	100

	Adultery	Rape	Abduction	Seduction and corruption of minors	
Less than 15 years	—	4	—	—	.5
From 15 to 20 years	37	52	49	22	12.5
From 21 to 30 years	240	187	114	89	50.0
From 31 to 40 years	132	87	36	40	24.0
More than 40 years	41	33	17	12	8.0
Unknown	16	27	13	8	5.0
Total	466	390	229	171	100.

(1) A form of wrestling.
(2) A sort of baseball.

	Robbery	Theft	Embezzlement	
Less than 15 years.. ..	12	25	2	1
From 15 to 20 years. ..	128	161	34	10
From 21 to 30 years. ..	402	586	259	38
From 31 to 40 years. ..	304	409	227	29
More than 40 years. ..	120	240	122	15
Unknown.	83	82	52	7
Total..	1049	1503	696	100.

It will be seen that the greatest manifestation of criminality in each period of life appears in the crime of theft. This is a corroboration of the sociological theory, according to which the instincts of self-preservation is the principal force which moves human nature. This force is represented by a longing for food, and inborn desire which necessarily gives rise to an adequate action which has for its object the mitigation of the sensation of hunger. The lack of food produces inanition and inanition leads to death. For this reason, everyone looks for food as an immediate and positive means of preserving life. Moreover, it is not sufficient to obtain food for the conservation of life: there is also need of self-defense against everything which may jeopardize our existence, such as the inclemencies of the weather, injurious animals, sickness, etc.; hence the need of clothing, shelter, and other means of defense. But, aside from all this, as people move on in the path of progress, there is also an increase of wants and of the desire to make life more pleasant through the enjoyment of the new elements

which civilization carries with it. The struggle has to be colossal by the great number of those who take part in it as well as by the different activities which are displayed in order to insure success. It is easy to conceive, therefore, why many, in the heat of competition, break the rules of conduct established for the protection and security of property, or betray that trust which is essential in fair dealing in order to stimulate con fidence and to foment the spirit of mutual co-operation.

By taking one hundred accused persons in each group, according to the various causes leading to the crimes classified in the preceding table, it will be noted that sexual appetite prevails in the third age, as 50 per cent of the accused in this group belong to the same, which proves that the age of virility is the stage of life when human passions break loose with the greatest violence.

In the fourth and fifth ages, nutritive and aggressive tendencies run in parallel lines—that is, man in mature age, while fighting for the acquisition of everything essential to life and for the support of his family, also tries to avoid every aggression which may threaten existence. Thus, our statistics demonstrate, to a certain extent, the powerful influence of the instinct of self-preservation, showing several cases of homicide and physical injuries arising from quarrels regarding property, inheritance, or in consequence of malicious mischief, because the possession of property of any kind is a sure guarantee of individual subsistence.

IV

THE INFLUENCE OF EDUCATION ON CRIMES

	Parricide	Murder	Homicide	Physical Injuries
Literate	19	136	125	365
Illiterate	39	337	278	535
Total.	58	473	403	900

	Adultery	Rape	Abduction	Seduction
Literate..	188	178	115	109
Illiterate.	278	212	114	62
Total	466	390	229	171

	Robbery	Theft	Estafa
Literate..	388	601	440
Illiterate	661	902	256
Total	1,049	1,503	696

From an examination of the figures in the preceding table and a comparison of the totals of accused persons, it can be seen that out of every 100 accused, 42 are literate and 58 are illiterate.

In table No. XXXVII of "Criminality in the Philippines" (1908) it is seen that the ratio for every 100 accused persons in all crimes during the quinquennium of 1870 to 1874 was 22.23 literate; 18.05 in that of 1875 to 1879 and 11.05 in that of 1883-1887, that is to say, that ratio of

literacy gradually decreased, while the quinquennium of 1908 to 1913 (1) gives a ratio of 35 literate persons out of every 100 accused. How and why is it that the great ratio for the quinquennium of 1870 to 1874 is even smaller than the ratio given by the quinquennium of 1908 to 1913? How can we explain the decrease of said ratio in the three periods stated until it comes down to 11.05 for every one hundred accused? If these figures are not incorrect, they show the existence of a problem the solution of which might be looked for in the kind of education received in school and at home.

It is to be observed that illiterate persons predominate in crimes of a violent form, such as murder, robbery and rape, while on the other hand, those who are educated prevail in crimes which are committed through ability, such as abduction, seduction and "estafa." This would seem to confirm the conclusion already arrived at by other criminologists that instruction does not reduce criminality, but merely transforms it. And really if, as it is unquestionable, public instruction in our country has made great strides and at the same time the degree of criminality has somewhat increased, it seems clear that literacy has reduced the number of crimes of a violent form, but increased the number of offenses which denote shrewdness and ability; in other words, instruction transforms crimes of a barbarous nature into crimes of a civilized character.

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(1) (Judicial Statistics for 1913, unpublished, table No. LIV.)

Criminality is not diminished with instruction only, that is, by merely training the intelligence of man. Criminologists of indisputable reputation have repeatedly said that training is insufficient to restrain criminality if not coupled with moral education, and that knowledge which does not render the individual moral makes him only a more refined, more wily and more dangerous criminal.

It is necessary to join with instruction, called by others intellectual education, not only physical education which invigorates the body, but also moral education which purifies customs and ennobles the human feelings, enthrones civic virtues and destroys social vices, thus making the perpetration of crime less possible. A moral man has no propensity to crime.

V

THE INFLUENCE OF PROFESSION ON CRIMES

CRIMES	Agriculturists.	Barbers	Brokers	Carpenters	Cooks	Drivers
Parricide	1	—	3	1	—	—
Murder	24	—	9	2	1	1
Homicide..	8	2	8	6	—	1
Physical injuries	32	4	60	14	7	4
Total	65	6	80	23	8	6

Robbery	9	6	32	11	3	2
Theft	15	2	24	14	3	69
Embezzlement ..	24	2	204	7	1	3
Total..	48	10	160	32	7	74

Adultery..	5	2	16	1	1	1
Rape	6	2	23	4	—	3
Abduction.	5	1	10	3	—	—
Seduction and corruption of minors	4	2	11	1	1	—
Total.	20	7	60	9	2	4

	Employees	Farm laborers	Fishermen	Laborers	Land owners	Seam stresses
Parricide	1	23	1	17	1	—
Murder	4	310	13	60	8	—
Homicide	6	189	22	72	2	—
Physical injuries	11	410	39	192	15	2
Total.	22	932	75	341	26	2

Robbery	9	573	29	287	3	1
Theft	18	803	19	375	5	—
Embezzlement ..	49	200	49	132	10	—
Total..	76	1,576	97	794	18	1

THE INFLUENCE OF PROFESSION ON CRIMES (Cont'd.)

CRIMES	Em-ploy-ees	Farm labor-ers	Fish-er-men	La-bor ers	Land own-ers	Seam-stres-ses
Adultery..	5	204	4	77	9	7
Rape	7	214	12	85	2	1
Abduction.	15	127	1	50	3	—
Seduction and corruption of minors	15	83	1	33	6	—
Total	42	628	18	245	20	8

	Serv-ants	Stu-dents	Tai-lors	Wash-ers	Weav-ers	Un-known
Parricide	—	—	3	1	—	5
Murder	—	3	3	—	—	20
Homicide..	1	2	1	31	—	36
Physical injuries.	1	7	16	5	—	34
Total..	2	12	23	37	—	95
Robbery	2	4	15	9	3	45
Theft	17	2	12	3	19	97
Embezzlement ...	3	1	9	2	6	89
Total..	22	7	36	14	28	231
Adultery	1	2	15	10	64	32
Rape	—	3	4	—	—	15
Seduction and corruption of minors	—	5	2	—	1	3
Abduction.	—	1	2	—	—	3
Total.	1	11	23	10	65	53

NOTE:—Other professions which show an insignificant average are not included in the above table.

A study of the foregoing figures indicates that the occupations of the poor furnish the highest averages, which show once more that poverty instigates one to commit a crime.

It is to be noted that proprietors, agriculturists, students and cooks predominate in the crimes against persons. That is to say, that in those occupations where the longing for food is more or less satisfied, aggressive tendencies find greater scope. On the other hand, barbers, carpenters, drivers, brokers, employees, farm laborers, day laborers, fishermen, servants and those who have no visible means of support predominate in the crimes against property. That is to say, that in those occupations where there is greater insecurity or insufficiency of subsistence, the tendencies which impel one to commit a crime for a living are more developed, with the only difference that in some occupations the prevailing crime is theft, and in others "estafa." Carpenters, drivers, farm laborers, day laborers, servants and those who have no visible means of support, commit more theft than "estafa". On the contrary, brokers, employees, fishermen and landowners commit more "estafa" than theft. Is it perhaps because they are not properly compensated, being thereby induced to resort to shrewdness and ingenuity in order to sustain the struggle for existence?

From all that has been stated it can be reasonably deduced that crime is the result of social environment. Therefore, as the environment is more favorable to the development of aggressive,

nutritive or sexual tendencies in a given region, so will the crimes against persons, against property or against chastity predominate. Personal circumstances, to wit: sex, age, degree of education, and profession also wield an influence on the commission of said crimes.

In an article published in number 5, Volume 2, of the Journal of the American Institute of Criminal Law and Criminology, Charles A. Ellwood has shown with convincing arguments that in every individual there is a normal tendency to crime and that the power to restrain it, is due to the action that the home, the school, religion, the social environment, in a word, the moral culture, exert upon us; which seems to be confirmed by Kropotkin in "Las prisiones" when he says that if every one of us should make a rigorous examination of his conscience, he would find that on more than one occasion there passed thru his mind ideas, and thru his heart impulses which were germs of crime, and which were controlled by an especial effort of the will.

How can the increase of criminality be checked? The underlying tendencies being known, the whole difficulty lies in the adoption of those educational, social or legislative measures which restrain the intemperance of the deprivation of such tendencies. In order to combat aggressive impulses, there is no other remedy than to promote the spirit of fraternity and benevolence, and in the same way, in order to dull the edge of sexual tendencies, the best remedy is to moralize customs. On the same principle, in order to bring

about equilibrium of nutritive tendencies, there is need of furnishing a stimulus to the love of work and constantly to further the improvement of conditions in the economic, intellectual and moral sphere of life. To make an upright man is to reduce criminality.

SECTION V

CAUSES OF CRIMINALITY
CRIMES AGAINST PUBLIC ORDER

In the study of crime we should discuss the causes of crimes against public order, against property, against person and chastity, and, lastly, those which give rise to the different special crimes. Of the crimes committed against public order only two are worthy of comment and consideration as being the most salient in number, namely, brigandage and vagrancy.

BRIGANDAGE.—Brigandage as a crime distinguished from robbery, was recently included in the Penal Legislation of this country. Properly classified, it should be included among the crimes against property rather than against public order; but it should be born in mind that its existence is a result of the chaotic conditions following the revolutionary war. To suppress it, it became necessary that the Philippine Commission should have passed a special law called "The Brigandage Act." During the years 1903 to 1908, brigandage continued to be the most flagrant infringement of public order in the Archipelago, rather than a simple attack upon property by a band of robbers. The frequent raids made by bands of brigands upon the Constabulary, caused the suspension of the writ of *Habeas Corpus* in Cavite and Batangas.

In all provinces, as has been said, this crime is very recent in the annals of criminality and its perpetration is a sequel of exceptional cricumstances. In support of this statement, the fact that since 1906 this crime has been very rare, should be mentioned.

It may be said that brigandage is a circumstantial crime. The past revolution and the religious fanaticism of ignorant people were the most important factors in the commission of this crime. The religious sect known as "Colorum," etymological corruption of "in saecula saeculorum" from Roman liturgy, plays an important role in this crime.

The Table No. XIII, (1) containing the provincial classification of the crime of brigandage, shows conclusively that as fast as normal conditions were substituted for disorder, this crime declined until it has almost disappeared.

The ratio of the crime of brigandage to the total population is 12.49 for every 100,000 inhabitants. In 1903 this crime reached its climax with a total of 2,573, but it immediately declined 60 per cent in the following year. And such decrease was not at all unexpected, for, once peace and order were established, the men who were found scattered in the mountains returned to their homes and resumed their former pursuits, and the few bands that remained in the field were soon crushed by the action of the Philippine Commission, which reenforced the Brigandage Act by

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(1) See Report of the Attorney General for 1908.

imposing a punishment upon all municipal officials who failed to report to the proper authorities the existence of robbers bands within their jurisdiction, and by the action of the Supreme Court which laid down the rule that all bands which committed the acts penalized by the Brigandage Act should be considered as such robbers bands, notwithstanding the ends which they proposed to attain were of more or less political nature, together with the untiring efforts displayed by the Constabulary in the destruction of said bands, and by the action of the provincial fiscals, who vigorously prosecuted the captured robbers. To these must be added the cooperation of the masses of the people who were already tired of such a chaotic condition.

VAGRANCY.—All modern nations, in an effort to establish the safest network of legislation in defense of society against criminals, have created special commissions to study and investigate the best methods of dealing with vagrants, paupers, habituals offenders, and juvenile delinquents. The same necessity confronting more enlightened countries, exists in the Philippines. These same crimes demand investigation and consideration from the hands of our own government at the present time.

Vagrancy, not unlike mendicancy or pauperism, constitutes a constant charge upon society. Vagrancy in the Philippines is by no means general, however, and has never attained dangerous proportions. Since 1904 vagrancy has been in constant decline. The causes of this crime,

during the period of its ascendency, are entirely identical with those assigned to the crime of brigandage: the past wars and the incident poverty following them. It is true that other social conditions have a great influence in the existence of vagrancy in the Philippines, such, for example, as the migratory life of a great majority of laborers and farm hands. They journey from one province to another in search of work during the harvest season. When the harvest is over they remain in idleness until the little sum they have earned is spent. Then once more they become a burden upon society, economically dependent upon charity. The generous and hospitable nature of the Filipino, however poor he may be, serve, in a way, to encourage pauperism and vagrancy. Some rice and dry fish will suffice to appease the hunger of any pauper. And he is sure to find shelter and a square meal at the door of any nipa shack that stands on Filipino soil.

In vagrancy the Philippines follow the general rule. Manila, as the capital of the Islands, stands at the head in the number of vagrants; 182 cases were registered for the city of Manila in five years ending in 1908. This is not at all strange. The struggle for life in the capital is always harder than in the provinces. Day laborers are compossed almost entirely of the migratory population of the Philippine Islands; they have no fixed or established domicile; they live on their daily earnings, remaining out of work as long as their slender means will hold out, and they natu-

rally become public charges for some time. Such simple crimes as theft, swindling, and forgery, are committed in the majority of cases by vagrants. And whenever the evidence in a case would not warrant the conviction of the accused for theft, he is generally charged with vagrancy and convicted. This practice has somewhat increased the total number of vagrants in the Philippines.

SECTION VI

CRIMES AGAINST PROPERTY

Crimes againts property are due to several causes. In some cases they are due to lack of labor, to poverty on account of the past uprisings, the rinderpest, and poor crops; in other cases they are due to bad habits acquired from idleness, laziness, and lack of knowlege of responsibility, etc.

The topographical condition of the provinces, the system of rural settlement, and the mode of living of those far from the populous settlements are potent factors in the commission of crimes of theft and robbery.

In the sparsely settled provinces, where the towns are situated far apart, without roads or means of communication, and where the police force is small, and where there are floods during the rainy season, in such a place that there can not be any communication between them during said season, and being situated near the forest, theft of work animals is most flagrantly committed.

As a general rule, the animals are left in the care of young boys, who desert them to engage in boyish games, and when the animals are taken home for the night, there are no corrals in which to put them, and even if there were, there is nobody to watch them. The members of the band

are unknown to the owners of the animals, and they are usually from other provinces.

But far more important than the theft of animals is the ridiculously great number of thefts committed daily on the farms before and after the end of the harvest season.

The effect of such a pernicious practice on the development of agriculture can easily be imagined. Beset by hard times, rinderpest, and the necessary increase in taxation, our agricultural producers verge on the point of desperation when they find their crop either gradually stolen or entirely destroyed.

The little stability of ownership of property, and, above all, its uncertainty, and carelessness in the administration of estates, in general, and their sale or other disposition, either by acts *inter vivos* or by acts *mortis causa,* give rise not only to much litigation but also to damages to lands, to usurpations, and even to the destruction of such properties by fire.

The majority of cases for damages to property are caused by stray animals that enter neighboring estates and farms, destroying all that they trample down and eat. Fires often occur in the yards of the farms during the threshing season, which of course, take place during the dry season, when the northwind blows, and also when the straw is thoroughly dry. Burning plantations is sometimes resorted to as a personal revenge. The custom of making *caiñgins* or rice plantations also gives rise to the spread of fire to neighboring lands. The travelers who cook their food on

the roadside where cogon grass abounds, or on bridges, and those people who build bonfires at nights to warm or amuse themselves, also cause fires starting from the bridges to the cogon fields, and then to the threshing floors and the neighboring barrios.

There are in the provinces some conditions which seem to contribute to the commission of the crime of theft. The farmers in the provinces where rice is cultivated leave the same in the field during the first months of harvest and let it remain there until after it is threshed; the harvested rice is dried by placing the same on earth embankments (*pilapiles*) or by heaping it in the midst of the field. In the Ilocano provinces, for instance, the harvested rice is kept within fenced places in the neighborhood. A similar thing is observed in the Bicol provinces, where the precious fiber of abaca is, it might be said, abandoned in the places where it is gathered. As may be seen, such a practice offers many opportunities for the commission of the crime of theft.

In connection with crimes against property, it is to be noted that the elements of violence or surreptitiousness which generally characterizes such crimes are sometimes transformed into deceit and craft.

In Manila the crimes of petty larceny, swindling, and embezzlement are of frequent occurrence. Circumstances and necessities of life, by far different from those in the provinces, are factors which make the capital of the country that most conspicuous in crimes against property.

It is true that in the capital the police power is more efficiently administered; but the incentives and necessities are greater in the capital than in the provinces, and once the individual is pressed by necessity, justice and law may loom up imposingly before him, yet he will commit the crime against property, if means and opportunity are offered.

It may be said that gambling and misery are the principal factors in the crimes of theft, robbery and embezzlement, especially the illegal gambling with all its immoral concommittant is the social evil that gives rise to the commission of such crimes.

The vigorous campaign conducted by the Constabulary and other officers of the Government has produced some fear on the part of the gamblers, as may be seen from the statistics published up to 1912, although there is no indication that the latter will ever abandon their vice. The mildness of the penalties imposed by law on gamblers contributes to a great extent to the continuance of existing conditions; and in the interest of the public weal, it is necessary to protect farmers, land—owners, and agriculturists against the temptation of gambling, by rendering the commission of such crime with impunity less possible, and by imposing more severe penalties, personal rather than pecuniary, on those who violate the law.

Not only should the game of "monte", which is played in the provinces by the well-to-do class be vigorously prosecuted, but also other games

in which the poor people generally take part, such as "jueteng," "rifa", "feria", "calog-calog", "beto-beto", "banca-banca", "patay-yec", "hantak", "reloj," "panguingue", "poso-poso" etc. The game of "jueteng", besides being the source of fraud because of the secrecy in which it is carried out and the thousand and one combinations in the manner of crossing bets, also encourages fanaticism and superstition, because the players generally base their hope of winning on the interpretation of dreams, or on the finding of certain objects such as a snake, a centiped, a spider, etc., which in the language of the players is called "anuncio." (Sign or omen.)

I deem it timely, now that public opinion is very much concerned with the question of cockpits, to note here a case in Pangasinan which came to my attention, and which may, perhaps, be of some interest to those who are called upon to decide the question of suppressing or restricting cockfighting. A cockpit concessionaire of that province consulted an attorney as to whether municipalities are authorized to compel a concessionaire to pay a license for the entire year, inasmuch as the Municipal Code permits that payment may be made either quarterly or for each semester. The interested party stated that, having the right to elect the manner of payment, he would only pay the license fee for one semester and petition afterwards for the cancellation of the license as to the remaining part of the year; and his reason for so doing was that during one half of the year, from the time of planting until

the time of harvesting the rice, the cockpits in those municipalities were almost completely deserted, for the reason that the laborers prefer to devote their time to their work.

The case above cited would seem to show that the people of the Province of Pangasinan can afford to spend one half of the year without going to the cockpit. And it is not too much to say that the same practice may be observed in other provinces, specially in those in which modern sports have taken a hold on the people; for it can easily be seen in traveling throughout the provinces that not only the student body of Filipinos but also those who are quite advanced in age show great inclination to, and enthusiasm for, these sports. It is said that a cockpit concessionaire in a municipality of the province of Leyte tried to secure the prohibition of games of sport on days when cockfighting is allowed, for the reason that the playing of such games simultaneously with cockfighting tends to decrease to a great extent the entrance receipts in the cockpit. There are now no cockpits within the municipal jurisdiction of the city of Cebu, because that municipality has raised the license fee to such an amount that no one adicted to cockfighting has found it advantageous to apply for a license.

The grass which is cut down will grow again, unless something else is planted to take its place. Therefore, in order to eradicate the vice of cockfighting, it is necessary to promote the development of modern sports, such as baseball, track-meets, etc., in all parts of the Islands, which un-

doubtedly, will profitably serve as a substitute for the old game of cockfighting.

The Filipinos as a rule, specially those belonging to the old regime, lack the spirit of "Sportmanship". They do not take defeat in good spirit. It hurts their feelings, their personal pride, their "amor propio" to be defeated. They fail to realize that there is victory in honorable defeat rather than in dishonorable victory. The defect of the Filipinos, serious and harmful as it is can, however, be remedied by establishing more playgrounds and park where children while still young can be taught and trained thru games to take defeat easily without hurting their feelings of pride. When they take the places of their fathers in positions of responsibility, when they enter political life, then, they will be sport enough to exercise the spirit of tolerance to be honorable in defeat and magnanimous in victory.

In the United States, it is not strange to see two persons fight with their fists and shake hands afterwards, implying that their personal differences have already been settled. It is believed that this is one of the effects of games of baseball, basketball, volleyball, tennis, football which are very common in America. Besides, the practice of these games develops the desire to win and not to be beaten which insures success in life.

It is the training, the lesson, the spirit of tolerance in accepting defeat in games (not in games of cards, jueteng, or chance,) that will make the Filipinos accept defeat honorably in any undertakings and not seek victory either

by hook or by crook. In election or in any honest competition, either literary, mental or physical, we should strive to be magnanimous in victory and honorable in defeat.

In order to give the reader some idea of the games of chance which are generally played by the poor people in the provinces, it is deemed advisable to include herein the following description of such games:

DESCRIPTION OF THE GAMES "FERIA," "BETO-BETO", ETC.

FERIA, BETO-BETO, CALOG-CALOG.— There is spread on the floor or table a sheet of either paper, board, or cloth divided into small squares numbered from one to forty, respectively, and the bettors place an amount of money on any of the forty numbers on which they desire to venture. After all the stakes have been laid on their respective numbers, the manager shakes a receptacle (which may be a covered glass, a box made of cardboard, wood or other substance) containing forty balls numbered from 1 to 40, respectively, and then draws one of said balls. If the number drawn coincides with a number on which a wager has been placed, the manager awards to the owner of such bets as a prize, one of the various articles exhibited at his store, the value of the prize being proportionate to the amount of the money risked. But, if the number that wins differs from any of the numbers on which wagers have been made, the manager takes all the bets without awarding any prize.

This game is very well known throughout the Islands and is generally played at the *ferias* or small stands that are built on the plazas of the churches during the celebration of the feast of the patron saint. It is interchangeably called *feria, rifa, beto-beto, calog-calog* according to the particular locality in which it is played.

PELADO or LOTERIA.—In these two games, which are practically the same, two or more players take part. Each player is provided with a piece of paper or cardboard, one side of which is divided by heavy lines into three columns of rectangles or squares arranged from left to right, each column containing six rectangles arranged from top to bottom. Each of these rectangles or squares contains five different numbers from 1 to 90 without any duplication. In a thin box of woven bamboo or rattan there are placed 90 wooden blocks, usually cylindrical in form. The blocks are numbered from 1 to 90. Upon the commencement of the game any player may shake the receptacle for some time in order to mix the blocks. Then the numbers are taken out one by one and are read to the players and laid down on a visible place, but are not returned to the receptacle until the game is over. At the beginning of the game the players place their bets on a table around which they are seated. The bets are the same for all, which may be 10 or 30 centavos or a peso or more. The owner of the house usually gets 10% of all the bets crossed at every game. Once the game is started the player concentrates his attention on the number called out

and drawn from the receptacle. He marks all the numbers on his card which tally with those that are called out. If all the numbers which appear on the line from left to right of the cardboard of the players are called out, the player wins and gets all the bets placed on the table. If the bets have not been placed on the table but by mutual consent the players have agreed on a specific amount of bets such amount must be paid to the winner.

PATAY-YEC.—This game consists in whirling a coin usually a penny, on the floor or table by means of the thumb and the first and second fingers of the right or left hand. While the coin is thus in rotation fast enough to avoid distinguishing the head from the tail, it is covered rapidly by the starter or any one in his place with a coconut shell cut in the shape of a disc or any other object of similar shape. Thereupon bets are crossed, some betting on the head and some, on the tail.

This game is also played sometimes with two coins of the same kind. The bets are then made to depend on whether or not the heads will coincide. The terms *paris* and *bangking* are used by the players to denote one or the other result, respectively. The player or players who happen to foretell the result, as explained above, win.

BANCA-BANCA.—The game of *Banca-Banca* is conducted by one player. Three cards, as for instance, a "King," a "Jack" and an "Ace," are selected. Two of these cards are held in one hand and one is held in the other as fol-

lows: The card is held face down by the thumb and one or more of the fingers. When two cards are held in one hand, one card is placed below the other so that the two surfaces are parallel though separated. Holding the cards in this manner, the starter shows the faces of the cards to the other players and challenges them to ascertain after the cards are placed face down which is the "King," the "Jack" or the "Ace." The challenge being accepted, the starter changes and rechanges the position of the cards from one hand to the other for the purpose of confusing the other players, with a mechanical and rapid movement of the hands and a skill apt to confuse the other players. Then the cards are laid on the floor or table face down. The bets are made by placing them on the cards which the other players pretend to know. The starter then proceeds to discover the cards. If the players happen to guess the right card they win, then the starter pays each of them an amount equal to that represented by their bets; otherwise, the starter takes all the money placed on bet.

JUETENG.—The game of *jueteng* is similar to the games of *rifa* and *loteria*. It consists (as in the case of *rifa*) in ascertaining the number or numbers of the balls which the banker draws from a receptacle (which may be a covered glass, a box made of cardboard , wood or other substance) containing 37 balls numbered from 1 to 37, respectively.

There are three combinations in the game, namely: (1) "derecha," (2) "cambio" and (3)

"culong," and for this purpose two drawings are made.

In the "derecha" the player bets a certain sum of money on any of the 37 balls contained in the receptacle. If the number which comes out of the first drawing tallies with the number upon which the bet has been placed, the player wins an amount 30 times greater than his bet. One centavo for instance wins 30 centavos.

In the "cambio", the player bets a certain sum of money on any two of the 37 numbers contained in the receptacles, as for instance, on numbers 23 and 27. If number 23 comes out in the first drawing and afterwards number 27 in the second, the player wins an amount 900 times greater than his bets on such numbers (one centavo wins ₱9.00). This is so because in the first drawing the one centavo won 30 centavos and these 30 centavos, being considered to have been placed as a bet on the second number, won an amount 30 times greater or 9 pesos. In this combination, in order that the bettor may win, it is necessary that the two numbers come out from the receptacle successively in the two successive drawings, that is to say, one after the other and in the same order in which they have been written in a piece of paper by the player. For instance, the player bets one centavo in "cambio" and writes on a piece of paper numbers 23 and 27. In order to win it is necessary that in the first drawing number 23 comes out and in the second number 27. If on the other hand number 27 comes out on the first and 23 on the second drawing, the

player loses his bet. This same rule is observed in the other combination called "culong".

The combination "culong" (flat) is almost the same as the one called "cambio"; the only difference is that in the former the player may combine two or more numbers corresponding to the first drawing against one corresponding to the second. For instance: the player bets three centavos distributing them among numbers 7, 8 and 9 against number 17, to wit:

7)
8)\.....17
9)

This means that if in the first drawing a number comes out which tallies with any one of the three numbers in the first column and in the second drawing number 17 comes out, the player wins in the same proportion as in the combination "cambio," that is to say, 30 times 30 centavos or 9 pesos, for the same reason stated for the previous combination.

From the foregoing it will be seen that "jueteng" is identical with and played in the same way as *rifa,* and is also a game of chance because its outcome depends entirely upon chance.

HANTAK (Cebú).—The game known as "hantak" consists in placing three coins of one centavo in the palm of the hand, tossing them up in the air, and letting them fall on the ground. If all the coins, after falling on the ground, show the head (the image of a man) the starter wins, and if tail (the eagle) the bettor wins. If the

three coins do not coincide in showing either the head or tail nobody wins. This game is very similar to the game of "CARA Y CRUZ", which is played all over the provinces of Luzon, the difference is that instead of using three coins of one centavo, only two are used.

"RELOJ".—This game consists in separating ten cards of the same color from the forty cards that an ordinary pack of cards contains. These ten cards are spread upon the table, ground or floor, in a circular form, in the presence of the players, and the remaining thirty cards are shuffled. The name "Reloj" originated from the circular form in which the cards are spread. The players select one card among those extended and offer it to the banker. The players may bet on any of the remaining nine cards. Immediately after the thirty cards have been shuffled, the game begins.

The first cards that come out win. For example, the ten cards of one color are 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10. When cards are spread over the table, the players select, for instance, card number 3 for the banker. If the first card drawn is number 3, the banker wins and after he has collected all the bets, another game begins. But, if on the contrary, number 3 does not come out and any one of the nine remaining cards is drawn, then the banker loses and pays all the bets on them.

It is to be noted that this game was imported by the Spanish "cazadores," and it is now being played in some of the *pueblos* of the province of Pampanga.

PANGUINGUE.—This game is played by six persons in partnerships of three's called *sanggas*. The players sit around a table and partners and opponents sit alternately. They utilize at least seven ordinary packs of forty cards each. The dealer is determined by taking from the cards already shuffled, five cards that are dealt to each player face up. The player who in this way receives the first ace becomes the dealer, dealing the cards to the right, beginning with himself, distributing the cards in five's and repeating this operation once more so that each player receives ten cards. In the successive plays the dealer is the player to the left of the winner. But in this case, *mano* or leader, or first player, is determined by the dealer taking six cards from the pack in the center of the table, with the sixth card called t*endida* (open card.) This open card determines the leader. If the open card is an ace or seven spot, the leader will be the dealer himself; if it is deuce, the player to the dealer's right, who is the person that won that last game and so on successively, counting the value of the cards up to six, the jack, the king, and the queen being reckoned as four of the suit. Any of the players can act as *arrancador*, that is, pulling a card from the center pack for each player; each player being entitled to pull at a time. Each player may pung the throw of his opponent to the left or chow the pull corresponding to him.

Every time that a player pungs or chows he has to discard one card and throw it open faced in the center of the table, unless by the last pung

he obtains the required combination of eleven cards in which case he wins the game or, as it is said in their term, he makes *todas*.

The *embono* (pung) may be of different ways: correlative values of the cards of the same suit, e. g. ace, deuce, and tray; deuce, tray, and four spot; tray, four and five spot, etc. of the same suit; it may also be by groups of aces, deuces, trays, four spots, five spots, etc., jacks, kings, and queens of different suits, although aces may be combined irrespective of suits.

The stakes are previously agreed upon and the winner collects from his three opponents, but not from his partners. For this reason partners are bound to protect each other, avoid their discard from being punged by the player to his right and try to help his other partners win the game when he himself has no probabilities of winning it.

There are other combinations for increasing the gains of the game with the same stakes. There are *panguingues* of *pantoche* and of quality, or of *pantoche* only. *Pantoche panguingue* is applied to the game when the players may take from the pack of shuffled cards in the center of the table prepared for this object certain number of cards. The *pantoche* may consist of from seven to ten cards, in which case he will have to pay twice the agreed stakes if he loses; but if he wins he will only collect the amount of stakes agreed upon. If the *pantoche* consists only of one, two or three cards, the losses shall be thrice the amount of stakes. *Pantoche* may be made up

to six and if the player does not win, his lose shall be seven times the stakes.

The *panguingue* is termed of quality when the winner of the game *mahjongs* with two or more *politanas* (ace, deuce and tray of the same suit) or with one *politana* only and the other exposed cards of the same suit as the *politana*. In this event the winner collects twice, thrice, or four times the amount of stakes stipulated. Another combination is the so called "favorite" and consists in winning again with a *politana* of the same suit as the *tendida* (suit of the card exposed to determine the leader) e. g.: of diamonds, if the card exposed by the dealer in order to determine the leader was of this suit. In this case the winner collects besides the ordinary stakes for *politana*, the amount agreed upon.

The stakes, as has been said, vary, but generally are made in this proportion: one centavo to three centavos, five centavos to twenty centavos, fifty centavos to two pesos, etc. The small stakes are for the winner *mahjonging* with a *llano* (plain) hand, that is, without ace, deuce, tray and the big stakes are for the winners of hands containning at least one *politana*.

This game may be played also by six or eight persons in partnerships of two, in the same manner as indicated above.

This game is one of chance and of skill combined. Of chance, because the strength of the card depends primarily upon the cards that are dealt to the player, in the *pantoche* and in the *arrancada* (pulling) ; of skill, because this is required in mak-

ing the discards and in combining the cards and so to play the game as to allow one of the partners to win when the player himself cannot do so.

The name "panguingue" applied to this game is probably derived from the Tagalog term "pangguiguil" meaning something to excite or tease a person, because this game is always subject to the exciting and painful dilemma of the pulling not reaching him, because his partner did not discard, or that it skipped him because his partner discarded when he should not have done so, or because his opponent to the left has broken his combination, discarding a card that he pung or that the opponent to the left did not discard when he should, or that the opponent discarded in order to prevent him from punging, etc.

The game is followed by a shower of comments and remarks that many a time ends in a row. This game is the favorite of the poor. A lot of people spend almost half of the day playing it. Many causes of fights, injuries, and sometimes homicides, originate from some incident in the *panguingue* game.

POSO-POSO.—This is a modified *panguingue* which is simpler in form, without combination, played by six or more persons, there being no partners and the winner collects from all the other players. Old women are generally the devotees of this game, but there are not lacking some men having nothing to do, who also while away their time playing this game.

SECTION VII

CRIMES AGAINST THE PERSON

Crimes against the person are almost in all instances passional. Love and jealousy constitute the principal motive in the commission of these crimes: that is to say, the woman, in the majority of cases, is the determining factor in their commission. Differences arising from the ownership or possession of property, from inheritance and from stakes in gambling, also serve to produce ill-feeling among the parties concerned and thus become the determining factor in the commission of such crimes. Moreover, robbery sometimes furnishes the motive for the commission of crimes against the person.

Again, "tuba" and the firmly established custom among the laboring class in this country of carrying around the "bolo" even after the daily work is done, plays quite an important part in the commission of the crimes already mentioned. It often happens that the most insignificant causes give rise to these crimes. Without citing many instances, it is sufficient for the present purpose to refer to a case which took place in Bohol. Isidoro Vilano was demanding the return of his certificate of registration, which was in the possession of one Ciriaco Claro. The latter, in a spirit of jest told him that he did not have the certificate and added that he gave the same to a third party.

This sufficed for Vilano to resort to his "bolo" and put an end to the life of his friend, who merely intended to indulge in a jest. In Oriental Negros, as in Capiz, cases of personal injuries and homicide resulting from assaults, which have no satisfactory explanation further than that the aggressor was under the influence of "tuba," are frequent. The poor in those provinces seem to supplement the insufficient food on which, producing, as it does, a certain kind of nervous excitement, makes them prone to commit personal assaults.

It is a custom prevailing in the provinces to invite people to aid in some work without any compensation, such as planting and harvesting of rice, building and removing nipa houses. This custom is known in Ilocos as "tagnawa," "palusong" in Tagalog, "pasugu" in Pampanga, "ticklos" in Bicol, "padugok" or "alayon" in Visaya. In these and similar gatherings, which are frequent in the towns, it is usual for persons who are on bad terms either on account of jealousy or because of certain differences arising from property, to meet each other; and it seems as if the pleasure of a good meal, together with the "tuba" which flows abundantly in such gatherings and feasts, serve as a stimulus and furnish the necessary energy to settle such differences with the "bolo." And as it is generally the custom among the laboring class to carry a "bolo" around with them, it happens that the active agent of the crime almost always finds within his reach a weapon, and, consequently, the occasion cannot be more propitious for him to avenge his grievances. In

most instances, however, such assault do not go beyond the category of injuries, for the author of the crime is the first to feel satisfied with his work upon seeing a little of the blood of his victim flow. Neither are cases lacking in which, thanks to the intervention of third parties, it has been possible to avoid the conversion into homicide of a mere altercation or a slight assault.

Superstitions and certain local beliefs also contribute to the commission of crimes against person. During the fiscal year of 1908 two persons were accused of certain crimes in the province of Capiz, professing the religion of one "Pope Macario," who for sometime had his abode in the mountain fastnesses of Tapaz, among "negritos" and other non-Christian tribes. According to said accused persons, their religion forbids carnal knowledge or sexual intercourse, and so when one of the followers of the said "Pope Macario" became pregnant, they took her to the river before sunrise, and while half of her body was submerged in the water, they put an end to the life of the fanatic who was not true to her vow of chastity.

Another case occurring in the same province shows the influence of superstition in the commission of these crimes. Federico Cortés, an orphan of about 20 years of age, lived with his uncle. His uncle died suddenly and under unusual circumstances. Federico Cortés was told, and he so believed, that the death of his uncle was due to the witchery of a woman living in the town. Thereupon he went to the house of the supposed witch whom he found in the kitchen. He asked her what

she was cooking and the latter answered that it was venison. According to Federico Cortés the woman instantly assumed an extraordinary appearance, her hair stood on end, and with protruding eyes she started to approach him, and hence he could not help making use of the "bolo" which he was carrying, killing the woman's husband and her two children and leaving the unfortunate woman seriously wounded.

A similar case occurred in the province of Bulacan. One María Esteban became sick, and her son Isidro Palad, fearing that she was under the influence of a witch, flogged her demanding to know who the witch was. The mother answered that she was called Saturnina; and so young Palad, believing that the author of his mother's illness was Saturnina Austria, a supposed witch in the locality of Sibul, in the town of San Miguel, sought the latter, took her by force from her house, and carried her to the place of Batong-Uling, where in co-operation with one Melecio Macalintal he cut off her ears and then submerged her in the water, and finally kicked her in the head which caused her head to strike against a stone resulting in her death.

A case of personal injury took place in a justice of the peace court in the province of Samar. A woman, who was courted by one of those known in the locality as "barufigun" (witches), became sick, and her brother, believing that his sister's illness was due to the influence of a "baruñgun", went after the latter and beat him up several times, thereby severely wounding him.

In the catalogue of crimes committed in the Philippines there are recorded some cases of the same nature. Just recently a case of quadruple homicide was brought before the Court of First Instance of Surigao, the motive for the commission of the crime being the belief in witchcraft. Leon Paqueros and Benito Buaya, being both ignorant and superstitious, and moved by the stories told of Nicasio Moron as a witch, waylaid the latter and beat him until he fell dead, and at the same time killed his wife and two daugthers, whose corpses were found in the barrio of Tabud. A similar case occurred a short time ago in Occidental Negros, in which the victims were two old couple who were also reputed in the locality to be witches. They were kidnapped by five ruffians who took them to a cave far away along the seashore, and left them there. From that time, nothing was heard of the fate of the two spouses, notwithstanding the careful search which was made for them.

One day during Holy Week of the year 1913 a case of homicide took place in the nearby town of Parañaque which was attributed to the superstitious belief in the power of a talisman (anting-anting). Two friends named Timoteo Cariaga and Basilio Aquino met in that town. Basilio Aquino, desiring to test the power of the "anting-anting" which he possessed, undoubtedly because he knew that his friend had also another "anting-anting," earnestly proposed to the latter that they should strike each other with a "bolo" to test, as he said, their invulnerability. Cariaga could not

resist the earnest solicitation of his friend Aquino, and consented to submit to the test. Thereupon Aquino struck Cariaga twice on the arm, using a "bolo" for the purpose; and as this did not wound the latter, the former struck Cariaga again on the stomach, which was also of no avail. Cariaga wanted to leave Aquino alone since the latter could not harm him anyway, but Aquino insisted that his friend strike him with the same "bolo", probably in order to show that his talisman was not any less powerful than that of Cariaga, his rival. Thereupon Cariaga took hold of the "bolo" and struck Aquino with it on the arm, but with such ill-fortune that the latter suffered a wound of quite a serious nature. It is said that when Aquino felt the wound he exclaimed in distress: "You have injured me because I have forgotten a letter of my "anting-anting," but if I survive this wound I would not recognize any body as invulnerable except you." Needless to say that Aquino's "anting-anting" proved absolutely useless, and as a result of the wound he died a few hours after the event. The local press has commented at some length upon this occurrence, and among the many versions of the case, we find the following description of the supposed talisman found in a note-book belonging to the deceased Basilio Aquino. Following is the copy of ths curious writing:

Eliam — Leim — Imse — Ipse — Vervum — San Trago Deus De Sabaut Tem Portus Tao Neloim Corporem Biatimet Sadai —

Empetriam — Pulutum — Andam Redius — Ego Potem Redum —

On another slip of paper, found among the leaves of the same note-book, the following words were written:

Tagolinas — Reustat it — Aurium Bolom — Aurium En Mano Sua Arcangeli Esterminor Et Ubi Que Sun Per Eucari Frucari Pronobis Filium.

This case and others which may be cited show that the ignorant people still cling to their faith in talismans (anting-anting) and believe in the power of certain hieroglyphics in corrupted Latin to render a person impregnable.

There are still some who maintain the belief in the existence of "Nono", "Tigbalan", "Asuang", "Patianac", "Lumalabas", "Mangcuculam", "Iqui", and other evil spirits. The "Nono", according to the common belief, is the spirit of old people. The superstition consists in asking permission of the "Nono" when entering unknown places such as forests, rivers, brooks, mountains, and other places which are entered for the first time; because if permission be not asked, the "Nono" becomes angry and will cause some misfortune. It is also customary to ask permission of the "Nono" when some large trees are felled, when certain fruits are taken, or when a piece of virgin land is first prepared for cultivation. And when a person falls ill without the cause of his illness being capable of explanation it is attributed to the bad will of the "Nono," who

has been displeased by some disrespectful act on the part of the patient. The "Tigbalan" is a phantom which, according to the common belief, has the gift of appearing to man under different forms. It is believed that the appearance of any person or any animal can be simulated, and it is told of persons that, having made friends with the ,'Tigbalan", they have converted themselves into savages and no longer desired to live in towns. The "Asuang" is also an evil spirit which is in the habit of appearing at night in the shape of a dog or a hog beneath the houses of pregnant women or of those who are in labor, in order to kill the offspring. The "Patianac" it the phantom of the Spaniards, and it is believed here that it is the soul of a child dying without having been baptized, and it is said that it appears in the woods and that it chirps like birds. The "Lumalabas", according to the popular belief, is the soul of a dead person which appears to man in this world in horrible form. Sometimes its apparition has caused insanity of the grave disease of the person to whom it has appeared. It would be very tiresome to enumerate the forms which the "Lumalabas" adopts in its appearance to a living being. The "Mangcuculam" is a man or woman possessing the virtue of causing sickness unto death of a person with whom he or she is displeased. This belief is so widespread that when it is rumored that a person is a "Mangcuculam" very few will approach him, and those who do so, do everything in their power to please him or her. The "Iqui" is a man who has the virtue of flying at night, leaving half of his body, from the waist to his feet, in his

house. It is said that the "Iqui" lives only on the liver of men, and when he sallies out at night he stations himself on the roofs of the houses, whence he kills sick persons by means of a tongue of such fineness that it can hardly be distinguished, appearing like a thread of cotton, which penetrates his intestines, causing death. What is not explained is the method they employ to remove the livers.

Spread education among the people and such superstitions will disappear. After all the ignorant people possess very admirable qualities. Respectful and obliging in their dealings, they love peace and order by temperament, and are law-abiding. Three or four policemen are sufficient to preserve order in the towns, and in the barrios, the lieutenant of the barrio is generally able to settle all the petty differences arising among the inhabitants thereof. If we were to ask provincial governors and senior inspectors of constabulary as to the general condition of their respective provinces or as to the conduct of the inhabitants thereof, we would at once get an answer in these or other similar words: "This province is one of the most peaceful in the Archipelago; the people here love peace and order."

Above the fine traits which the people possess either from heredity or by education, such as that of hospitality, devotion to the family, love of country, etc., rises their fondness for music, which they consider a strong remedy for the vicissitudes of life, somuch so that in the Ilocano provinces, for instance, it is the custom among the peasant class to sweeten the pains of toil with heart-rending love songs which make them more enthusiastic to work and less susceptible to fatigue.

SECTION VIII

SUICIDE

Suicide, to a certain extent, has some relation with crimes against person. Leaving out of consideration this relationship, the study of the causes of suicide as a social evil, is of great importance in criminology. The illustrious criminologist, Rafael del Pan, in his comments on the Correctional Code, prepared by him, a monumental work which he has left for the good of his country and humanity, says:

> "For Seneca, suicide is an act of an energetic and determined will, by means of which, we exercise our right to free ourselves from the slavery of existence. The Stoics had this principle as the basis of their system of philosophy. The Epicureans developed this principle so far as to believe that after one has enjoyed the pleasures of life it was wise to avoid its pain by ending it. The Christians, especially San Augustin, fought against, those ideas declaring that man has no right to kill, in any case, not even himself; he has no right to end his sufferings by the cowardly act of suicide. The Council of Arles in 1452 de-

clared that suicide was nothing but the result of the work of the devil.

M. de Buismount has found from his investigations that the number of suicides in France increases from January to July, and decreases from August to December. Furtheremore, there were more suicides in the first days than in the last days of the month.

Spleen, among the English men, or dissatisfaction with life, is a cause of a great number of suicides. Among women it is love."

In discussing the causes of suicides, he continues:

"An act of suicide can not be taken but seriously. However, the causes which induce many individuals to take this terrible step in life are somtimes laughable and comical. During the first six months of the year 1908 there were numerous cases of suicides in the United States, and according to statistics, a woman by the name of Anne Priose, of Hoboken, committed suicide because her mother had not spoken to her for sometime; May Kestler, of New York, because her husband refused to buy her a hat; Amelia Kannis, of Harford, because General Stoessel, the hero of Port Arthur, was sentenced to prison by a Council of War; Alberta Mitcheli, of St. Louis, Mo., because

her mother gave her a spanking; four girls of Anaconda, Montana, because they failed in their examination. It may be said that all these suicides were committed by women whose character is naturally weak and vacillating. However, the following cases were committed by men. Felix Palmiere, of New York, committed suicide because the steamship ticket which he had bought for Europe was marked with number 13; Roy Wanwick, of Kansas City, because the boys in the street said that his name was ridiculous; Anton Protector, of New York, because his wife would not allow him to grow a beard; Cristian Knels, of Saint Joseph, Mo., because his gas bill was large; Joseph Sheppard, of Melville, New Hamshire, because his wife gave birth to her seventh child; Henry Miller, of Lexington, Illinois, 104 years old, because it was not worth while to live any longer."

Speaking of the means whereby this evil may be eradicated, he concludes:

"To fight the tendency to commit suicide, all kinds of civil and religious punishments have been adopted, such as the confiscation of property, the punishment of the attempt to commit suicide, the refusal to bury the body in consecrated ground etc. Restriction in the sale of fire-arms and intoxicating beverages has also been useless, as there will always be rivers where one may drown himself, ropes

with which one may hang himself, and towers which one may jump. The prohibition of sensational stories, and other suggestive literature may perhaps decrease the number of suicides".

In the Philippnes, cases of suicide occur, but in a much smaller number as compared with suicides in other countries. The statistics published by the Bureau of Health, covering the period from 1904 to 1908, show a total number of 1386 cases with an annual average of 277; and during the period of four years from 1909 to 1912, 1101 cases, with an annual average of 275. There is, therefore, a decrease in the number of suicides. It should be observed, however, that the manner in which the data were collected by the Bureau of Health was not free from defects. No mention is made even of the motives which induced the people to commit such an act. With all its faults, however, we may consider these numbers as practically correct.

The causes of suicide in the Philippines are, *mutatis, mutandis,* the same as the causes in other countries. Disgust with life, jealousy, fear of social disapproval, disappointments, miseries, vices, and even rigid discipline may lead men to commit suicide.

The lack of patience in suffering, ignorance of our duties to ourselves and to society, absence of religious belief, the lack of moral strength, the neglect of the things concerning the soul of man and his future destiny, all these may favor the commission of this act. The practice of moral

virtues should therefore be encouraged among men. The habit of saving contributes greatly to the betterment of public morality. A great number of cases of suicides reported in the daily press, are due to the fact that the victims found themselves in pressing economic needs and unable to meet them, because they had not formed the habit of saving, they resorted to an illegal manner of obtaining means and in the fear of being discovered sooner or later, they committed suicide as the last resort. A man who has not the habit of saving naturally lacks foresight, and when he is placed in such a situation from which he cannot save himself, for lack of means, instead of realizing his lack of foresight and correcting his conduct in the future, believes that he has been unjustly treated by Providence by making him suffer evils which he is unable to avoid.

On the other hand, the man who has formed the habit of saving, is able to face such difficulties, and, therefore, does not curse his fate, neither does he blame Providence for such difficulties, for he believes that in the natural course of life every one must necessarily meet with obstacles and difficulties.

SECTION IX

—CRIMES AGAINST CHASTITY—

There exists a belief among the common people in the efficacy of certain plants growing in this country for captivating the heart of the beloved one. With these ideas in mind many make love provided with a talisman called "gayuma" in Tagalog, "taguiroot" in Ilocano, and "lumay" in Visaya. Thus many crimes of abduction and seduction are committed.

Some years ago there occurred in Manila a case which was apparently one of abduction. A girl of 16 years of age was waylaid by two men who, by means of force and intimidation, suceeded in taking her before a protestant minister, and once there, one of her abductors induced the girl to sign a contract of marriage with him. The matter was subsequently brought to the attention of the Prosecuting Attorney and upon investigation, it was found that the girl and the man were really civilly married. In explaining what happened to his daugther, the father ascribed it to the power of the "gayuma" which, according to him, was applied by the abductor to his daugther in the afternoon before the event. He stated that for sometime past the man in question had been making frequent visits to his house and paying attention to his daughter, although the latter did not reciprocate his af-

fection as she was already engaged to another young man whom she loved; but from the time she was abducted, the father claimed, the girl's conduct underwent quite a change. She seemed to have lost her mind and was always uneasy in the house until, after a few days, the young man succeeded in enticing her from her parent's house in order that they might live together as husband and wife. The father, desiring to verify the truth of what he believed to be the power of the "gayuma", succeeded, through the help of a friend, in obtaining from the same young man a small part of the "gayuma" used by him. This "gayuma" is a mixture of oil taken from a coconut called "bugtong" (the sole fruit of a coconut tree), and the root of a certain plant which must be dug upon only on Good Friday. The application of the "gayuma", according to the father of the girl, is very simple. It consists in anointing the hand of the man with such oil and rubbing the same over the woman's brow; and after such process the woman feels an irresistible inclination to the man who applied the "gayuma". The "tagiroot" and the "lumay" are mixtures similar to the "gayuma" and are applied in the same manner.

In the Municipality of Taytay, Province of Palawan, a case occurred, which was apparently one of seduction. One Eusebio Paduga met, for the first time, a young woman named Francisca Agnas to whom he at once made love. Francisca Agnas knew that the man who was making love to her was already married, and she indignantly repelled his advances. But Eusebio Paduga did not give up

and seeing that his appeals and compliments did not win the sympathy of the young woman, he resorted to the use of a medicinal plant called "pugay" which, according to a general belief among the common people, has the power of making a woman love the man who uses it, even against a will. Paduga, without using any threat or intimidation, won the heart of Francisca Agnas by means of "pugay" and kept up amorous relations with her, making her afterwards his paramour. Francisca Agnas, the alleged seduced girl, stated: "When he first spoke to me of his love I repelled him but later on, he having used some medicine called in our town "pugay" which makes a person love another even against the former's will, I finally consented to become his paramour".

The promiscuity observed in dwellings where poor families live is also a contributory cause of crimes against chastity. The scarcity of room in such dwellings where parents, brothers and sisters, friends and strangers sleep in one and the same apartment, gives rise to brutal impulses and contributes to the demoralization of customs.

Likewise the so-called "dancing schools," the houses of prostitution, and pornography serve to produce a relaxation of morals. It is not necessary to recite here the long series of crimes committed in such centers of moral degradation, in order to show how important it is to guard the community against their pernicious influence. Aside from the abuses committed against chastity and public decency and decorum, there are recorded in the catalogue of crimes, cases of corruption of minors, se-

duction, adultery and concubinage, which can be traced to those places where immorality is promoted and vice exploited. Such places do not only furnish the occasion for the commission of crimes against chastity, but also those against property and against the person. Some cases of theft, swindling and malversation of public funds, as well as of personal injuries and homicide, find their causes in the deprivation of morals produced by those centers where corruption and vice have their breeding place.

In regard to pornography, suffice it to say that, among the other effects which it produces, it augments the desire for carnal pleasures, degrades the sense of chastity, and, by encouraging incontinence, it envenoms the purest affection of the heart.

The reaction following the strict censure which for entire centuries has been exercised on all literary productions, has overwhelmed us with pamphlets, reviews, dramas, novels and comedies, which now constitute the delight of both young and old who are given to idleness. The subjects chosen by the authors do not always have a good moral background; and above all, the plots of such works, in many cases, are sadly lacking from the standpoint of public morality.

In this connection there should be organized in all the provinces of the Archipelago associations such as the "Liga" Antipornográfica de San Francisco de Javier," which should make a part of their work the examination of the artistic and moral background of the various literary productions which are daily being published in the dif-

ferent dialects, and thus serve as a sound critic for the benefit of our unwary youth.

Adulterous unions, illegal marriages, as well as the voluntary separation of husband and wife, are in the majority of cases but the effect of premature marriages and the hasty action leading to their ill-advised execution, in which naturally the love of home and family cannot be cultivated, and thus the future of the children is seriously impaired by reason of such predicament, for which they are not to blame. Hence the necessity of "surrounding marriage with all kinds of safeguards ,because the mistake, once committed, is irreparable." This matter calls for a careful study on the part of our thinking men, and would perhaps require a masterly exercise of the legislative power.

There are those who believe that moving pictures also exert some influence in the commission of crimes against chastity. While it is true that there are some cinematographic films of doubtful effect on public morality, yet it would be unjust to attribute to this marvelous invention effects that are due to quite distinct causes. The moving picture shows, like theaters and coliseums, are by their very nature important factors of civilization, and all that is necessary is to prevent their becoming demoralized; that is to say, that nothing should be exhibited in such places which may be offensive to decency and morality, a menace to the public order, or contrary to law. Hence the necessity of providing for the censure of cinematographic exhibitions, which becomes

more imperative in proportion as such shows are rapidly spreading in the provinces throughout the Archipelago. In the City of Manila there is an ordinance, No. 166, providing that the exhibition of films shall be subject to the supervision of the Chief of Police who shall issue the necessary license before they are exhibited, provided always that such moving pictures are not in their nature seditious, do not tend to create disorder or breaches of the peace, are not indecent or obscene, or do not tend to corrupt the morals of youth. A similar measure should be adopted in the provinces by the respective municipal councils, in pursuance of the authority conferred on them by section 39 (jj) of the Municipal Code.

Even as early as 1587, Captain General Don Ramon Montero, Governor of the Philippines, issued an Order regulating the printing and importation of books, and engravings, and regulating dramatic performances, etc.

The preamble of this decree, inspired by sound principles, is as follows:

"The Superior Government being firmly convinced that it should look after those matters which tend to destroy the effects of religious principles, the principal foundation of social structure, and for the purpose of strengthening the principle of obedience to the government of His Majesty, and his representatives in these Islands, and loyalty which is the immediate result of religion: in consideration of the fact that certain kind of writings, due to the ignorance of the people of these Islands, may in time become

highly harmful to their morals as well as to their religion, both of which being so deeply rooted in them at present: This Superior Government having been informed of such matters and being in necessity of applying a radical remedy before these abuses are multiplied and the soundest of principles disoboyed; having also noticed these abuses, especially in the matter of importation of dangerous books and their circulation in this country; desiring as I do, to make a compromise between the interests of commerce and the interest of our religion, the purity of its moral, the loyalty to His Majesty and obedience to his representatives and the right education of the peaceful inhabitants of these Islands; desiring again to prevent the fatal consequences of the circulation of certain writings, such writings which mislead the understanding and pervert the heart; the introduction of all kinds of prints, drygoods, porcelain, and other articles of commerce containing indecent pictures; and being convinced that it is necessary by all means to stamp out this kind of importation; and desiring moreover, that the theaters of this city may not degenerate and be below the culture and religiousness of the Spanish colony, as well as below the customs of the natives who attend the theaters; and desiring furthermore, that these theaters may not become practical schools of immorality".

Without going back to the legislation of the old days, we can find in the present Penal Code the key for the solution of the problem we have in hand. The acts which offend, with public

scandal, the good manners, are all penalized by the Penal Code now in force. And any act whatsoever, which is against morals and good manners, is also penalized by law, though not so heavily as those acts attended by public scandal. Even offensive words, and obscene songs, addressed to a person, do not escape the provisions of the law. And in the matter of indecent paintings, as well as indecent plays, we have the Libel Law which penalizes any person who writes, composes, stereotypes, prints, publishes, sells, or keeps for sale, distributes, or exhibits any obscene or indecent writing, paper, book, or other matter, or who designs, copies, draws, engraves, paints, or otherwise prepares any obscene picture or print, or who molds, cuts, casts, or otherwise makes any obscene or indecent figure, or who writes, composes, or prints any notice or advertisement of any such writing, paper, book, print, or figure shall be guilty of a misdemeanor and punished by a fine of not exceeding two thousand pesos or by imprisonment not exceeding one year, or both.

Although the Libel Law now in force does not contain an explanatory preamble as the Order issued by Don Ramon Montero, it does, no doubt, pursue the same purpose and aim: the preservation of public morals. All that is necessary is the strict enforcement of the Libel Law by those who are called upon to do it.

It may be stated generally that the intemperance and audacity of men, on the one hand, and the timidity of the native women, on the other, are the determining causes of the commis-

sion of the crimes of abduction and rape. The impunity of the guilty parties exerts an influence in the commission of such crimes; and this is fostered by the difficulty of securing sufficient evidence and by certain deeply rooted local prejudices which nullify the intention of denouncing such acts before the courts of justice.

The commission of crimes against chastity such as rape, abduction and seduction, is attributed to many causes. The ignorance and chiefly the lack of moral education are a great incentive to passion, which, for want of a checking power, becomes instantly a punishable act. The sexual passions of the man without moral and religious culture, the illiteracy and immorality, and the carelessness of parents, the promiscuity of sexes among uneducated people, and the prejudices and their mode of living exert their influence in these crimes.

The old idea on the part of the men which makes them consider it a great honor to their sex to have the greatest number of victims among the opposite sex in love affairs, and the daring spirit awakened in them by the weakness of women, who through a mistaken modesty, secretly give themselves up to the men, and who prefer to suffer indefinitely rather than to allow the least publicity of their disgrace, whether voluntary or not, and to apply to the courts for the just punishment of the culprit, and the fear, furthermore, of what the people might say and of being condemned, are among the chief elements in these pernicious crimes against chastity.

It is generally admitted that the timidity of

native women is a circumstance encouraging the commission of crimes against public morals. This timidity will cease to be a source of danger to the fair sex, especially those of the laboring class, when education becomes more general and common among the girls.

As to the extensión of co-education in the Islands, we have the following data:

In 1907 the exact percentage was 38 per cent girls and 62 per cent boys; in 1908 it was 37½ per cent girls and 62½ per cent boys; in 1909, out of 561,611 children in schools 345,696 were boys and 215,915 were girls, or 38½ per cent girls and 61½ per cent boys. This was for all schools. The proportion of girls in intermediate and high schools alone is not nearly so great; for example, out of 18,502 intermediate pupils in the same year, 14,495 were boys and 4,007 girls; out of 1,810 secondary pupils, only 310 were young women.

The proportion given above has been ateadily increasing. The enrolment of the Public Schools, excluding that of the University of the Philippines, in 1923, is as follows: in Primary Schools 504,222 boys, and 374,511 girls; in Intermediate Schools 97,746 boys, and 57,042 girls; and in High Schools 628,403 boys, and 444,302 girls, with a total of 1,230,371 boys, and 875,855 girls. In other words, out of 2,106,226 pupils, 68.9% are boys and 41.1% are girls. (1)

One thing may be noted with reference to the foregoing statistical data, in that the co-educational schools offer an opportunity to the young

(1) These figures were furnished by the Bureau of Education.

men and young women to learn to associate with one another naturally and with decorum. The young men are better behaved and less given to improper language and conduct when associated with the young women in the same schools and classes.

There was another circumstance which encouraged the criminals, and that was the timely pardon by the offended party in those crimes formerly called private. The intention of the Penal Code on this subject was reasonable, but the abuse of the pardon was such that it was frequently resorted to as a more or less profitable business proposition according to the means of the supposed offenders and to the ability of the persons who usually intervened in such transactions.

Act No. 1773 remedied this evil by making said crimes public crimes. This law has abolished the distinction between express and implied pardon, and the liability of the guilty person is extinguished only by his legal marriage to the offended party. This provision applies to all cases of rape, abduction, and seduction, and puts an end to the question as to whether or not the effect of the condonation or pardon is extended to the other participant in such crimes. At present the accused alone is favored by marriage with the offended party; the liability of the other participants, if any, is not extinguished, nor is the complaint dismissed as against them. This is an excellent measure, which will certainly pre-

vent conspiracies to perpetrate these atrocious crimes.

In examining the statistics, a certain increase in the crimes against public morals is noted, especially in that of abduction. Women, on account of their natural frailty, deserve greater protection. Lewd men as well as ravishers of minors should be punished with all severity and rigor.

SECTION X

—SPECIAL CRIMES—

The offenses enumerated in our judicial statistics under the general heading of "Miscellaneous Crimes", may be said to be entirely new in Philippine Penal Laws.

An examination of the statistics shows, however, that this extraordinary growth is due mainly to violations of the Opium and Gambling Laws. The number of violators of the Opium Laws, increased 300 per cent in 1908, or from 186 in 1907 to 559 in 1908.

The number of gambling cases was on the decline until 1906, but thereafter has been in the ascendency. In 1908 it increased almost 100 per cent over the previous year's record.

Two other miscellaneous crimes deserve consideration namely, violations of the Internal Revenue Law and of the Election Law. It may be said that they are due to ignorance, among the masses, of the provisions thereof. In more enlightened countries violations of the electoral franchise cause general disturbance of public peace and order; not so in the Philippine Islands, where elections are held without the least breach of peace and order. This subject will be specially and extensively treated in the next section.

The violations of Act No. 1189, entitled "The Internal Revenue Law," with respect to its pro-

visions on the sale of wine, liquors, cigars, cigarettes, the use of opium, etc., are of daily occurrence. These misdemeanors do not appear more numerous in the statistics of the courts because of compromises permitted by law, and because the fiscal, authorized to bring action against the offenders, has an option as to whether the action shall be civil or criminal. If the civil action be brought involving the amount of the penalty added to that of the unpaid license, it falls under the cognizance of the justice of the peace courts; there are rare instances in which these cases are ever taken up on appeal to the Court of First Instance. Most of these cases are terminated in the justice of the peace courts.

The impositions under said Act No. 1189 being on industries, its violations are committed necessarily not in farming but in industrial and commercial provinces.

The falsification of personal cedulas is due, in many cases, to the similarity or equality of surnames. For instance, a man by the name of Pedro Rodriguez wishes to obtain a cedula for 1908, but has no cedulas for the years 1906 and 1907. In order that a cedula for 1908 may be issued to him, he has to exhibit to the municipal treasurer the previous one for 1907; but not having the latter he has to buy it, exhibiting for that purpose that of 1906, and not having this either, he has to pay for the two previous years with an additional tax of 100 per cent. To avoid the delinquency tax, he prefers to obtain the actual or current cedula by other means. So he takes the

cedula for 1907 of his brother or cousin by the name of Juan Rodriguez, erases the name "Juan", substituting with that of "Pedro"; and, not suspecting that there is a record of the defaced cedula in the office of the municipal treasurer, he exhibits it without any scruples to this official who, noticing the falsification committed in the number of the same, denounces the offense and seizes the forged cedula, which serves as a conclusive proof of the offense.

Not all who carry falsified cedulas are authors of the falsification of figures. Many did not even intend to defraud the Government, but through negligence or because they did not see fit to buy cedulas within the time fixed by law, they applied to the municipal treasurers ready to pay all the penalties; and there they meet an impostor penman who writes for them their cedula with the age of 18 and charges them for the arrears. The same penman assumes charge of fixing their cedula for the following year, and if they fail to find him, having had an idea of what had been done, they themselves try to falsify, and thereupon they are caught.

Illegal cockfights, or *topadas*, are usually conducted in barrios remote from the centers of population and beyond the vigilance of the municipal authorities. Cockfighting is a national sport and in spite of the stringency of the laws which regulate it, the offenders always find ways to elude them.

The improper means of which the municipalities formerly availed themselves for the purpose of increasing the number of days in which cock-

fighting is allowed were to postpone or advance the *pintacasis*, (patron saint's day), as the case warrants, or to insert them between two legal holidays. As a general rule, these *pintacasis* are observed on Thursdays and Mondays, so that they may have four days of cockfigthing. If Wednesday is a legal holiday the *pintacasi* is made to fall on Thursday, thus the cockpit remains open for five consecutive days. If two towns are consolidated they have two *pintacasis*.

The holidays are observed pompously with the object of drawing *tahures* (professional gamblers) of note from various places. After the cockfighting is over, and while the young people dance and enjoy themselves, the *tahures* and those expressly invited indulge themselves in gambling in secluded apartments of the house.

The violations of the gambling and cockpit laws are the most numerous. The municipal authorities are incapable of putting a stop to these offenses on account of the many influences and interests which are at work and which are sometimes used to protect the law breakers. Moreover, professional gamblers are very good agents in canvassing votes during electoral campaigns, having numerous acquaintances and being thoroughly familiar with every nook and corner of the towns and barrios.

With respect to game laws, the violation thereof does not generally consist in hunting upon private estates without the consent of the owner. In the hilly towns or in those on the plains adjoining public forests where there is good hunting,

chiefly deer, the game laws are often violated by hunters who set fire to *cogonales* (tall and filmy grass) forests. And, except in the rainy season, these hunters disregard the time of the year and the condition of the animal, and they spear whatever they catch in their net, whether females in the period of conception or about to give birth or newly born. The meat of the deer, venison, is dried and afterwards taken to the market and constitutes a *modus vivendi* for the inhabitants of the above-mentioned towns.

The fraudulent use of trade-marks and unfair competition are mostly confined to the cigarette industry. For instance, Germinal or Sevillana cigarettes enjoy public favor and find ready market; it is an easy matter for certain tradesmen to have Germinal and Sevillana cigarette-cases made and then have them filled up with cigarettes of their own making or of another factory, of inferior quality and offer them for sale. Crimes of this sort are generally committed by Chinese.

A case of note came before the courts of Manila some years ago in which the party accused of fraudulent use of a trade-mark was a Chinaman. The cigarette which was enjoying the popular favor was the "La Patti" brand, showing a likeness of the famous diva. The Chinese placed in the market, and deceived the masses, a cigarette called "La Parte" with the trade-mark of a lady similar in every respect with the "La Patti" brand. The same has happened with many other articles of great public demand. The fraud is in almost every case committed by Chinese, who prosper through the ignorance of the masses.

SECTION XI

—ELECTION FRAUDS AND THEIR REMEDIES— (1)

After the first general elections held in 1907 the number of persons prosecuted in courts for violations of the Election Law was 273, which number was increased to 719 in the elections of 1909 and for the year ending June 30, 1913, there were 794 persons involved in such cases.

The number of election protests that are registered after each election also constitutes a datum indicative of violations of the Election Law, for irregularities, more or less serious, are almost invariably alleged in such protests, many of them substantially affecting the result of the election. The protests filed against the election of delegates to the Assembly were 19 in 1907, 23 in 1909, and 27 in 1912. On the other hand the election protests against municipal and provincial officials were 128 in 1907, 146 in 1909 and 240 in 1912.

As to the cause of these violations, some find it in the voters, some in the officers of election, and others in the electoral agents. It may be said that all have a share in the responsibility. The organization of society itself contributes to a certain extent to the existence of these violations,

(1) Appended to "Comentarios a la Ley electoral", 1919.

considering that it is still a common belief that no victory was ever won in a battle-field without that art of deceit, called strategy, playing an important role in it; that honesty is not yet the rule of conduct among men in all their various activities; that there exists mutual distrust in our social relations with one another; and that the struggle for life begets, on one hand, the fear of being deceived, and fosters, on the other, the development of the desire to deceive.

What are the means of preventing those violations of the Election Law which really constitute an attempt against the purity of suffrage and the freedom of the elector? The problem is susceptible of various solutions, but I propose the following as the most adequate remedies: (1) elevate the moral sense of responsibility of the voters by teaching them their civic rights and duties; (2) require greater guaranties of the boards of election; and (3) diffuse the knowledge of the penal provisions of the Election Law.

Act No. 1829, providing for popular civic lectures under the auspices of the Bureau of Education, would appear to respond to the first remedy proposed, and hence its provisions should be regularly carried out. But, to accomplish this end, it is indispensable that a uniform plan be adopted in all municipalities. A set of subjects on legal and social obligations and individual rights, so prepared by the Bureau of Education as to be within the reach of understanding of the common people, will facilitate the attainment of the objects sought by the Legislature in enacting said Law.

Through these lectures the people should be especially taught that suffrage is not only a right or a privilege, but also a duty imposed upon the citizen. They should be given to understand clearly that citizens who abstain from voting at the elections of public officials are risking, not only the interests of the Government but their own as well, and that, by so doing, they forfeit their right to complain afterwards should public business go wrong at the hands of the public servants elected.

Moreover, every voter should be made to realize that it is as much his duty to cast his ballot at election times as it is to attend the political meeting and gatherings of his party. It should be explained to him that political parties nominate or choose their respective candidates for public offices at their conventions; and that, these party conventions are, so to speak, a sort of primary elections of the men who finally are to look after the security of our lives and property, the education of our children, public health, beautification of our cities, the construction and conservation of public buildings, the management of our means of communication, the irrigation of our fields, the development of our resources and industries, the just assessment of the properties for public taxation, the proper expenditure of public funds, and, in short, the general welfare of all. It is, thus to be seen how absolutely necessary it is for the voters to take an interest in the nomination of the candidates of their respective parties to the end that only those possessing the best moral and intellectual qualifications be chosen.

A general education of the masses is necessary to form an intelligent public opinion, for without this it will not be possible to discuss public questions in the light of reason. "If the people," says Cocker, "are ignorant and allow themselves to be governed by superstitions, it will be impossible to secure a sound public opinion. It is thus the duty of the State to promote, by all possible means, the instruction of the masses and provide generally for their education. Intelligence and virtues are the only means that can give stability to public institutions. Ignorance tends inevitably toward the destruction of the freedom of the people; it is only when the people are in the atmosphere of an intelligent public opinion that free institutions can prosper. As individuals become wiser so the Government will improve, and there will be less possibility of its going backward."

It is also very necessary to inculcate in the citizens the duty of submitting to the will of the majority. The sole arbiter in popular elections is the will of the electors, and when that will has been expressed through the ballot in a just and lawful manner, it is the duty of the minority cheerfully to abide thereby until a change in public opinion is effected. A lack of this sense of submission on the part of those in the minority is the constant threat against the stability of small Republics and newly born Democratic Governments.

These are the principal points with reference to the use of the ballot which the program of the

popular civic lectures should embrace. A knowledge of these principles will render the perpetration of electoral frauds less possible. The problem, therefore, lies in the diffusion of this knowledge among the different classes of our society.

The second remedy indicated to prevent the commission of election frauds, is to exact greater guarantees of integrity and honesty from the inspectors of election who, with the poll clerk, constitute the board of election. In the opinion of many, under the present conditions of our country, where a great proportion of the electors are illiterate, the result of the elections depends entirely on the election inspectors, and hence the importance of this office. An analysis of the duties and powers of the boards of election would indicate that this opinion is not lacking in foundation. The boards prepare the registry list of the voters and pass upon the qualifications of those applying for registration as electors; they may subpoena witnesses and compel them to appear and testify in registration proceedings; they are authorized to order the arrest of persons disturbing the peace in and about polling places; they prepare the ballots for illiterate voters and those otherwise physically disabled to do so; and, finally, they make the count of the votes and certify to the result of the elections.

It is thus seen that the inspectors of election exercise quasi-judicial functions, and therefore, it is necessary that appointments for this position should fall only upon persons possessing sufficient moral and intellectual qualification to enable them

to realize the responsibilities and perform the duties of the office.

It may be said that the qualifications now required by law for appointment as election inspectors already tend to the selection of only the right persons for this office. Withal, however, it is believed that better results would be obtained if such appointments were limited to those who are able to read, write and speak either English or Spanish. This measure is necessary not because there are no well-educated persons among those who only speak, read and write their local dialect, but simply because the Election Law being so new here, the majority of us are not yet sufficiently familiar with its provisions so as to apply them correctly without the help of commentaries, etc., and at present there is scarcely a publication on the subject in the local dialects which might serve as a guide or reference book to such persons. How can we expect of persons with a very limited education an exact compliance with the details of such a complicated affair as the electoral procedure? And it must not be forgotten that ignorance is just as easily deceived as it is bold and daring.

Furthermore, if it is true that intelligence and virtue alone can give stability to free institutions, no effort should be spared to secure for the office of election inspectors only those persons possessing character, civic virtues or *perpetua voluntas*. To this end, an examination should be required for election inspectors and a list of eligibles should be prepared in each municipality

along the same lines as provided for the office of justice of the peace under Act No. 2041. Such a reform would, without any doubt, tend to decrease greatly—if not eradicate entirely—the perpetration of such frauds and other violations of law as are now being committed by election inspectors,—i. e.—the unlawful inclusion or exclusion of electors from the list of qualifiied voters, fraud in the preparation of ballots for illiterate voters, unlawful classification of ballots, falsification of the record of proceedings of the election, etc.

It is absolutely necessary that the inspectors of election should know the legal rules of interpretation as regards to questions concerning ballots, such as those applicable to determine when a ballot should be considered as marked, when defective or badly spelled, how to apply the "Idem Sonans" rule, etc.

While the ineligibility imposed by law upon inspectors of election to any other public office for the period of four years, the term for which they are appointed, tends in a way to prevent illegal combinations between inspectors and candidates, yet it removes from this office highly desirable men who—by virtue of their very qualifications—are bound to aspire to other offices after the election, thus reducing the number of qualified persons who may be willing to accept such office. For this reason, it is believed that by requiring of inspectors greater educational and moral qualifications and by providing severer penalties when they violate the law, the ineligibility now placed

upon them may justifiably and should be removed.

It might be argued that it would not always be possible to prepare and keep a list of eligibles for the position of officers of election in every municipality. Such a contingency could be provided for by making certain municipal officials, —such as the justice of the peace, the chief of police, the principal of the public school, and the municipal secretary who could act as poll clerk,— ex-officio officers of election. Considering the education and moral standard which these officials are required by law to possess, they undoubtedly offer greater guaranty for the faithful performance of the duties of the office. An objection might be made to this proposed reform based on the political affiliation which such officials might have; but if we take into consideration the fact that the law itself requires that election officers should, upon the taking of office, take and subscribe an oath to the effect that they shall perform their duties in accordance with law without prejudice or favor toward any person, candidate, party, society or religious sect, and the further fact that such persons are used to bear greater responsibilities by virtue of their official positions, it would appear obvious that this objection is not serious enough to prevent the adoption of the proposed measure.

A matter intimately related to electoral frauds is the preparation of ballot-boxes. Many of the cases of unlawful tampering with ballot-boxes are due mainly to the insecure condition of

the boxes—a fact which reminds us of the old proverb that, "The open box makes the saint a thief." Indeed, we have seen many ballot-boxes which appear to be fit for anything except as a chest to keep the sacred treasure of the people. It would seem necessary therefore to adopt a method of preparing and keeping ballot-boxes in all municipalities, in such a way as to guaranty their security and purity, and to render their unlawful opening more difficult. Each box should have two keys, one of which should be sent to the provincial treasurer and the other to the Judge of the Court of First Instance immediately after the closing of the box, and the box should be turned over to the municipal secretary. (1)

Interesting discussions have been waged over the advisability of not granting the right of suffrage to illiterate persons, it being claimed that the cause of all the irregularities committed by inspectors of election are the illiterate voters. Granting this to be true, it can be said that when the crimes of *estafa*, theft or robbery are committed, nobody would suggest the measure of taking away the people's money, jewelry and other personal property so that they could not be defrauded or robbed. What society does in its defense in these cases is to employ direct or indirect means of preventing the commission of such crimes, and for this purpose, to detain the defrauders and thieves in prisons or reformatories for correction or reform. Can we not say the

(1) This reform has been included in the new Election Law.

same thing with regard to the illiterate voters? The fault does not lie in them; the evil is to be found in the failure on the part of officers of election to follow the provision of the law. The perpetration of electoral corruptions is not due to the uneducated voter. Who of us does not know of many illiterate persons who, in point of morality, are far above those who know how to read and write?

There is another serious objection to the withdrawal of suffrage from the illiterate electors, and that is that you cannot, by legal enactment, deprive the illiterate voters of this basic right without putting the whole structure of the institution of suffrage in grave danger, for, once illiterate voters are excluded from the right of suffrage, this right, by the same process of elimination, could be curtailed gradually till it is reduced to a very limited class of society. And would not this be an attempt against Democracy itself and the very principles underlying the right of suffrage? Besides, if it is true that the object of the law of mutual help is to aid the weak, the remedy for the evils found in the use of the ballot should not be to exclude the illiterate voters, but rather to make the officials of election faithfully perform their duty of helping the former in the preparation of their ballots.

But the path is so full of temptations that it is necessary to possess a firm will-power to act rightly, and to have an exalted conception of responsibility in order not to fail in our duties toward our fellow-beings, society and country. To

fall into such temptations means non-compliance with the obligations which society imposes upon us. Applying now these abstract principles governing society to inspectors of election, their aim should be to overcome these temptations. And this shows once more the necessity of requiring greater qualifications of education and morality of the persons to fill the office of inspectors of election, for thus alone will they be able faithfully to perform their duty of properly aiding illiterate voters.

Under the Election Law as originally enacted, illiterate voters were allowed to take to the polls with them a person in whom they had confidence, to help them in the preparation of their ballots. It was subsequently deemed necessary, however, to change this practice because, as it can readily be seen, the vote of the illiterate voter could easily be determined by the political affiliation of the person accompanying him, and hence it was to preserve the secrecy of such votes that it was found necessary to amend the law as it is now, the preparation of the ballots of illiterate voters being under the charge of two inspectors of election, belonging to two different political parties. By this means the identification of the votes was rendered more difficult, because the inspectors are invariably the persons who perform this duty for the illiterate electors, while on the other hand the law provides that any information given to or received by the inspectors in this connection shall be privileged, that is, that they shall not be com-

pelled to communicate it to any person except when so required by a competent court.

But it is alleged that election inspectors commit frauds in the preparation of such ballots; that often an inspector prepares a ballot for an illiterate voter without the presence of the same, and, what is worse still, cases are cited wherein inspectors are said to have prepared ballots for illiterate electors who had not appeared before them. But these violations are due solely, as pointed out before, to the fact that some inspectors do not have the qualifications necessary for the proper carrying out of the provisions of the law and not to any defect in the law.

The presence of watchers at the polls, not only at the time of the counting of votes but also during the time of registering and voting, would undoubtedly prevent the commission of frauds. However, notwithstanding the fact that liberal construction of the Election Law would allow the presence of watchers at all stages of the election, some boards of election inspectors—having regard for the letter of the law rather than for its spirit—have refused to permit the entrance of watchers to the polling places, except during the time of the counting of votes, with the result that candidates cannot exercise vigilance over the election proceedings.

After the foregoing remarks regarding the first two means of preventing the commission of violations of the Election Law, let us now proceed to the third remedy, namely, the diffusion of the knowledge of the penal provisions of said Law.

The reason for the necessity of the diffusion of this knowledge lies in the fact that men generally adjust their acts to the provisions of law, not only in order to obtain the benefit that is derived from good conduct, but to avoid, as well, the punishment that goes with the violation of the law. Whatever merits criminologists may concede to the penalty, there is no doubt that the fear of punishment is the most powerful check which men have against their anti-social tendency. But in order that the penalty may produce the effect of causing fear and restraining men from criminal acts, it is necessary that its extent be such that, when men set off in their own minds the benefit which might be obtained by violating the law against the loss resulting from such violation, they will be led to choose compliance with the law. To attain this end penalties should be made more severe, and this is exactly what should be done now with the Election Law—increase the penalties therein provided, so that there will be less impunity and profit in the violations of its provisions. By doing this the necessary fear to violate its provisions will be impressed upon violators and the perpetration of electoral crimes will decrease. (1)

The electoral crimes may be grouped under three chapters: the first comprising violations of the Election Law in general, namely, disobedience to legal orders of election officers; disturbances in the elections; selling of alcoholic liquors; exhibit-

(1) The new Election Law increases the penalties formerly provided.

ions and cockfights on election day; destruction or concealment of effects pertaining to election; bribery to election officers; illegal impression and distribution of official ballots; withdrawal of official ballots from the place within the balustrade; alteration of ballots deposited in the ballot-box; candidacy announcement of a person disqualified to hold public office; illegal certificate of candidacy to the position of representative, governor, third member, or member of the municipal council of Manila; illegal influence in election matters; libel on election; bets on election; illegal exersice of public office.

The second chapter comprises electoral crimes against liberty and purity of suffrage, namely, payment of money or its equivalent for electoral uses; promise of an appointment or election of a person for a public office; bribery to electors; illegal inscription in the electoral registry; illegal suffrage and false declaration before the election officers; want of elector's oath; perjury before election officers; threat to dismiss an employee or reduce his salary and promise to employ or to increase his salary; threat or intimidation to an elector to retain his vote; illegal persuasion to electors and election officers; interruption or interference with the electors while voting.

Lastly, the third chapter comprises the crimes committed by election officers, namely; illegal inclusion in the electoral registry or illegal exclusion from the same; falsification in the ballot's return or in the statement of the result of election; election frauds; punishable negligence of

election officers; violation of electoral secrecy; illegal examination of ballots delivered to the municipal secretary; destruction or change of ballots used in an election.

I shall not speak of the 32 kinds of electoral crimes embraced in the three foregoing chapters; I shall merely cite the penal provisions of the Election Law relative to the fraudulent use of money for electoral purposes. When a candidate bribes the electors, the penalty imposed is imprisonment for not less than three months nor more than five years, or a fine of not less than ₱200 nor more than ₱2,000, or both, in the discretion of the court, while the law imposes only imprisonment for not less than one month nor more than one year, or a fine of not less than ₱500, or both, upon a person who bribes electors in the name of a candidate and upon election officers who commit electoral frauds, or are guilty of mercenary conduct, or of punishable negligence in the exercise of their duties. It is believed that the penalty provided for the last two offenses should be raised, if violations of the law in these cases is to be stopped. Above all, electoral frauds should be punished with greater severity, because the officers of election who thus fail in their duty, cause an almost irreparable injury to the public interest. And it should be borne in mind that it requires a strong will-power, which is not possessed by all, to resist the temptation when there is much to gain and little to lose.

The law also punishes persons who, in consideration of votes, solicit or accept money or any-

thing of value, or offer the same, whether they be candidates, or other persons who falsely pretend that they do so in the name of a candidate. The reasons underlying the prohibition of the use of money for electoral purposes are obvious. In the first place it is the desire to free the exercise of suffrage from any taint of immorality, and in the second, it is to protect the purity of the election from corrupt influences.

This policy of the law rests on the principle announced by the Supreme Court of Wisconsin in the case of State vs. Odlin, wherein it was said: "When the management of public affairs is conducted by the will of the people or of the majority of its inhabitants expressed through the ballot, the free exercise of suffrage by the qualified electors is a matter of great importance. On it lies the salvation and perpetuity of our institutions. It is therefore necessary that every voter be free from any pecuniary interest. For this reason, the attempt to influence a voter to sell his vote by means of bribery, is considered by law as a punishable offense".

The law equally prohibits and punishes any promise the object of which is to obtain votes. According to the principles laid down by American courts on this matter, a candidate who, for the purpose of influencing electors, promises to pay to the treasury of the county a portion of his salary is guilty of bribery. The vote cast for a candidate for public office in consideration of a promise to pay a certain sum of money or anything of value to a third person in case he is elect-

ed, is void, even though such third person be an individual, a country or a corporation. It is unlawful for a candidate for a public office to make a promise to the electors that, if elected, he will assume the office for less salary than is provided for the position, and an election obtained by such means is null and void.

The U. S. Senate three years ago adopted the following resolution: "Resolved, that fraudulent means and procedures were employed in the election of William Lorimer as United States Senator from the State of Illinois, and that his election therefore was void". Recently, the Philippine Senate also adopted a resolution directing the investigation of frauds which, it is said, were committed in the elections held in the sixth senatorial district.

The seed of suffrage is so delicate that wherever it is planted finds ready obstacles to its growth and expansion. The influence of evil which gave rise to the adoption of the above Senate resolution in the United States is now being felt here in the Philippines; for bribery to voters and election officers are now rumored here not infrequently. The confirmation of such rumors may be found partly in the cases as brought before the courts. It is said that the payment of public taxes serves as a pretext for such election frauds. If the payment of public taxes would be collected prior to the election campaigns, or if the delinquent tax payers were allowed to exercise their rights of suffrage without prejudice to the right of the government to compel them to pay their

taxes due it is believed that such measure would contribute, to a certain extent, in avoiding irregularities in elections.

It is true that as long as there are in society ministers who in public preach virtue and in private life act wrongly; as long as there are teachers who, while requiring punctuality from their pupils, are themselves frequently absent from their class; as long as there are parents who, while teaching their children to be truthful, tell them to say that they have not reached the age for full fare when they ride on trains or boats or when going to a theater or circus; as long as the rules of etiquette command that we should appear friendly to persons whom we have just slandered; as long as all these petty artificialities are seen in society, there will always be violators of the law. I believe, however, that, just as education in general, in so far as it improves social conditions, is not without its influence in the diminution of crimes, so will education of the people in the use of suffrage introduce more purity and honesty in elections and that the fairer the elections of public servants are the better will the common interest be administered, and the public welfare conserved.

SECTION XII

EXAMPLARITY OF PUNISHMENT

The classical school emphasizes too much the exemplarity of penalties as a means of preventing crime; but, if we take into consideration the fact that, in spite of the punishment imposed by the courts, crime is still increasing, it will be seen that such penalties exert but little influence on the decrease of crime.

Of the 58,383 accused before the courts of justice during the last quinquennium ending in 1912, 24,368 were convicted; i. e., 42% of the total number of the accused persons. The convicted persons are distributed, according to sentences received, in the following manner: 32% were fined; 47% were sentenced to imprisonment for a term of two years or less; 10% were sentenced to imprisonment for a term of from two to ten years; 4% were sentenced for a term of from eleven to twenty years; 1% were sentenced for life; 1% with capital punishment; and 5% with other kinds of penalties. The number of persons given a sentence between six months and two years is the largest, while the number of persons who were fined comes next. This is certainly due to the fact that almost all the new penal laws offer an alternative between fine and imprisonment. It is

thus evident that the courts are inclined to impose a fine rather than imprisonment.

As may be seen, not all those who are accused of crimes receive the corresponding punishment. The explanation of the small proportion of convicted in relation with the accused persons may be found in the following facts.

It would be impossible to set forth all the incidents, more or less unfavorable to the prosecution, which, usually arise during the trial of a criminal case in which the offended party has forgiven the accused or has effected a compromise with him. But if we take into consideration the fact that any testimony given by the offended party in the preliminary investigation, which is contrary to that with which he tries to favor the accused, can only be used, at best, to impeach the same witness; and that the courts generally and invariably follow the well-settled doctrine that any reasonable doubt should be resolved in favor of the accused—it will be easily understood why the efforts of the fiscal are sometimes of no avail and he is unable to avoid the acquittal of the accused or the dismissal of the case.

The fiscal in such a case finds himself in an extremely embarrassing and difficult situation; for while the extract of the testimony of the witnesses for the prosecution, forwarded to him by the justice of the peace who held the preliminary investigation of the case, shows that there is sufficient evidence to proceed against the accused, yet after a careful examination of the offended party and his witnesses he is convinced that the

contrary is true. He has, however, no time to lose and has only the choice of the following alternatives: either to proceed with the case with the expectation of an acquittal, or move for the dismissal thereof at the very outset. The first of these alternatives increases the number of acquittals, and the second that of dismissals.

The remedy for this anomalous situation is not always to be found in the hands of the fiscal, for in the majority of cases one has to deal with ignorant witnesses who can neither read nor write the Spanish language, which fact enables them, when confronted with their testimony as translated and reported by the justice of the peace, to avoid any responsibility, by simply alleging that probably the justice did not correctly report or translate their testimony which was originally given in the local dialect. And if one bears in mind that the justice of the peace is not required by law to set forth in *toto* the testimony of the witnesses for the prosecution and to require the latter to sign the same, but simply to make an abstract of the important part of such testimony, it will be realized that it is somewhat difficult to prosecute successfully those persons for perjury, and any general attempt to that end is only apt to increase the number of acquittals.

Apart from the fact that justices of the peace and provincial fiscals have very deficient means of investigating criminal cases, due to lack of pecuniary resources, to say nothing of the ignorance of many witnesses for the prosecution, which is often taken advantage of by the defense, confus-

ing them by means of cross-examination, it is undoubtedly true that the failure of the Legislature to provide an appropriation for traveling expenses and subsistence for witnesses of the Government in criminal cases is also responsible for the failure of many prosecutions. The effect produced in the mind of a witness by the consideration that he is required to make two or three trips from his residence to the capital of the province, all at his own expense, and thereby neglect his personal affairs, can be easily imagined. Under such circumstances, the witness often prefers to say that he does not know anything about the case under investigation.

It is well known that, in accordance with General Orders, No. 58 and Act No. 194, a justice of the peace is required to bind the accused over to the Court of First Instance, which is the practice invariably followed whenever he finds reasonable ground to believe that the crime was committed by him; while the Court of First Instance, under the law, can not convict the accused unless his guilt is shown beyond a reasonable doubt. Without discussing the question as to whether this difference between the requirements of law regarding justices of the peace who hold the preliminary investigations of cases, and those imposed upon Courts of First Instance who finally try the same cases within their own jurisdiction, is the logical consequence of the best practicable legislation under our present system, I believe it could be said without fear of contradiction that such difference is the cause of many dismissals

and acquittals, especially if we take into consideration the fact that in the provinces, as a general rule, criminal prosecutions are instituted in the justice of the peace courts without the intervention of the fiscal.

Inasmuch as no line of demarcation can be generally drawn between the grounds for acquittals and those for dismissals with prejudice, the causes which give rise to the former are, *mutatis mutandis,* also accountable for the latter. There are some dismissals which are brought about by operation of law, and there are others which may be attributed to numerous unavoidable causes.

It is by operation of law that judgments of dismissal are rendered, for instance, in the following cases: (a) By the death of the accused during the pendency of the trial; (b) by his marriage to the offended party in cases of abduction, seduction and rape; (c) by prescription of the crime; (d) by the discharge of the accused, that he may be a witness for the Government; (e) by the allowance of a demurrer to the complaint or information on the ground that the facts charged do not constitute a public offense, or that the court is without jurisdiction; (f) former jeopardy; (g) insufficiency of the evidence produced by the prosecution to establish the guilt of the accused, before the introduction of any evidence by the defense; and (h) variance between the evidence and the crime charged.

It will be easily understood how the causes enumerated have contributed to cause many dismissals, if we refer back to the period from 1903

to 1908, and especially to the fiscal year 1903-4. In this latter year the Courts of First Instance commenced to work with regularity and became alive to the unsatisfactory work done by the justices of the peace at that time, all, or almost all, of whom had held office since the Spanish regime. These justices of the peace, who had never previously studied the provisions of General Orders, No. 58, had to discharge their duties according to their best judgment and under the adverse circumstances which prevailed in the country during the insurrection and for some time thereafter. As a consequence of the insurrection, many criminal proceedings were instituted for various crimes, but as peace was restored throughout the country, it was discovered by the fiscals and Judges of First Instance that a great number of the criminal cases in the court dockets were brought only upon probable suspicion or by reason of personal vengeance. Many of such cases were naturally dismissed. Furthermore, the confusion and disorder then prevailing in the country caused the disappearance of many persons who were needed as witnesses for the prosecution, and many cases were dismissed on this account. Many prosecutions for political offenses or offenses of political nature were likewise dismissed by reason of the Amnesty Proclamation of July 4, 1902. Persons who formed part of bands of brigands were arrested and prosecuted, but many were discharged that they might be used as witnesses for the Government. This naturally increased the number of cases dismissed.

What I have just stated is graphically demonstrated in statistical Table No. 50 covering said quinquennium, 1903 to 1908, wherein it is shown that during the fiscal year 1903-4, cases involving 5,436 accused were dismissed. This number of dismissals has, however, been decreasing until it fell to 3,430 in 1904-5, 2,463 in 1905-6, and 1,867 in 1906-7 when once more it commenced to rise, reaching 2,344 in 1907-8, due, perhaps, to the fact that in 1907 the Gambling and Opium Acts and the Election Law became effective, and many violators thereof were prosecuted, some of whom were also discharged.

Referring to the quinquennium 1906 to 1911; it should be observed that, in addition to the reasons for dismissals above mentioned, there are numerous causes which have arisen, partly from special laws and partly from considerations of equity.

Some cases have also been dismissed by reason of considerations of public policy, for instance, certain cases of theft, illegal possession of firearms, vagrancy, etc., which have been dismissed when the testimony of the sole accused in one case was necessary to secure conviction in another, in which the accused were charged with a greater offense and were captured and identified through the instrumentality and services of the discharged defendant.

There are also other causes which account for many dismissals. As an illustration, there were cases of theft and estafa which should have been primarily settled by means of a civil action

rather than a criminal prosecution, but, the defendants or their counsel having waived the production of their evidence at the preliminary investigation, it was not possible for the fiscal to ascertain their true nature until shortly before the trial or during the period of proof, when only temporary dismissals or acquittals could be had.

The absence or nonappearance of witnesses for the prosecution accounts, in no small measure, for the result above noted. These witnesses not having been found through the first, second and third subpoenas, the court, on its own motion, or on that of counsel for the defense, would sometimes dismiss the case. On the other hand, the presentation of the same witnesses in several cases often raises in the mind of the court a doubt as to their credibility which generally results in either an acquittal or a dismissal.

Unforeseen circumstances and facts, developed after the filling of the complaint or information, causing a variance between the offense charged and the evidence taken before the trial, sometimes make necessary the filing of a new complaint and the dismissal of the original one.

Sometimes, notwithstanding the efforts of the fiscal, there is no way to secure oral testimony, so much so that some provincial fiscals even suggest that it would perhaps be convenient to arrest the witnesses first and the accused afterwards. There exist a tendency to avoid all connection with judicial proceedings; also, in many persons the fear to incur any responsibility; some are afraid

of reprisals, others naturally try to avoid the trouble and expense of traveling from their town to the place where court is held. It is earnestly to be hoped that such a tendency will soon disappear, for every citizen should fully realize the fact that the interest of the community in which he lives imposes upon him the solemn duty to aid the Government in the apprehension and punishment of criminals.

With so many obstacles in the way before the accused is convicted, it is seen how penalties influence only, in a small degree, the suppression of crime.

SECTION XIII

PRISONS AND REFORMATION OF CRIMINALS

As the study of crimes has a practical aspect which criminologists call "Penology", dealing with the methods and institutions employed in the prevention and suppression of crime, I have deemed it convenient to reproduce here a concise statement of the methods used in our prisons to secure the reformation of criminals. (1)

Penalties, according to the Penal Code, are classified into afflictive, from six years and one day's imprisonment to death; correctional, from one month and one day's imprisonment to six years' imprisonment; and light, from one to thirty days' imprisonment. (2) The first two refer to crimes, and the last to misdemeanors. When fine alone is imposed, it may be afflictive, correctional, or light, according to its amount. (3) Besides these penalties, we also have the special ones provided in Acts of the Philippine Commission and Legislature and in municipal ordinances. For the execution of the penalties imposed by the courts, it may be stated that the penitentiary sys-

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(1) See Appendix A of Attorney General's Report fro 1910.

(2) Art. 25, Penal Code.

(3) Art. 26, Penal Code.

tem established by the Penal Code in these Islands has been changed into a correctional-reformatory one by Acts of the Philippine Commission.

Act. No. 1703 determines the place where prisoners should be confined, according to the class to which they belong, whether they are Insular, provincial or municipal prisoners. Municipal prisoners are those detained or sentenced for violation of municipal or city ordinances; those accused of misdemeanors or of crimes committed within the jurisdiction of justices of the peace or municipal courts who are held while their trial is pending; those sentenced to imprisonment not exceeding thirty days or to the payment of a fine in cases where the subsidiary imprisonment for nonpayment thereof does not exceed one month; those sentenced to *arresto menor* or to *arresto menor* and fine, even in those cases where the person sentenced is subject to subsidiary imprisonment; and all persons detained by order of a justice of the peace, or of a judge of a municipal court, pending preliminary investigation of the crime charged, until the court shall remand them to the Court of First Instance. (1) Provincial prisoners are all persons detained pending preliminary investigation or trial before the Court of First Instance; those sentenced by a court of original jurisdiction to *arresto mayor* or to *presidio correccional* or *prision correccional* for a period not exceeding one year, or to pay a fine not exceeding ₱500, or to both penalties, even in those cases

(1) Sec. 1, Act. No. 1703.

where the person sentenced is subject to subsidiary imprisonment; and all persons sentenced by a court of original jurisdiction to imprisonment for more than thirty days and not exceeding one year. (1) Lastly, Insular prisoners are all prisoners who are neither municipal nor provincial prisoners, and all persons sentenced for violation of the immigration or Chinese-exclusion laws, the customs and navigation laws, or Act No. 1411, whatever the sentence imposed (2) may be. For the confinement of these prisoners, we have the municipal jails, (3) provincial jails, (4) Bilibid Prison, Corregidor Prison, and the San Ramon and the Iwahig penal colonies for municipal, provincial, and Insular prisoners, respectively, besides other institutions and penal settlements which the Governor-General may designate and establish from time to time. (5) The Governor-General has the authority to order the transfer of Insular prisoners from one Insular prison to another, and of municipal or provincial prisoners to any Insular prison or penitentiary institution, whenever public interests so require. (6) The provincial boards, on the other hand, with the approval of the Governor-General, may secure the confinement of municipal prisoners in provincial jails, when the municipal

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(1) Sec. 3, Act. No. 1703.
(2) Sec. 5, Act. No. 1703.
(3) Sec. 39, Act. No. 82.
(4) Sec. 1, Act No. 413.
(5) Sec. 10, Act. No. 1703.
(6) Sec. 14, Act. No. 1703.

jails do not afford proper security, (1) or in the absence of a provincial jail of their own, they make arrangements for the confinement of their prisoners in the provincial jail of an adjoining province. (2) There is also a jail for provincial prisoners in the Mountain Province and Insular prisoners belonging to non-Cristian tribes of said province or of Nueva Vizcaya. (3)

BILIBID PRISON.

We shall limit ourselves to the penitentiary regulations followed in Bilibid Prison, for it may be said to be the only one now existing for Insular prisoners, and also because all the provincial prisoners are under the general jurisdiction, inspection, direction, and control of the Bureau of Prisons, (4) the Director of which, under Act No. 1407, has issued and promulgated, with the approval of Secretary of Public Instruction, the "General Rules and Regulations for the government of all Insular and provincial prisoners of the Philippine Islands". Provincial prisoners as well as Insular prisoners are, therefore, subject to a uniform system of penitentiary regulations, although in the provinces said regulations are not strictly enforced.

INTERNAL GOVERNMENT.

It may be generally stated that the system followed in Bilibid Prison does not specifically be-

(1) Sec. 13, Act. No. 1703.
(2) Sec. 12, Act. No. 413.
(3) Sec. 12, Act. No. 1876.
(4) Sec. 25 (b), Act. No. 1407.

long to any one of the so-called "penitentiary systems", although following some of the methods recommended by them.

For our purpose, it is sufficient to state that the penitentiary system in the Philippines follows the latest reforms adopted by the most civilized countries of Europe and America, in the sense of "securing the protection of society by the correction as well as the reformation of the criminal," considering, therefore, a penal establishment as a "special community of future free citizens, segregated temporarily, on account of certain weaknesses, and placed under observation for treatment and regeneration." The principle of such system is summarized in the following words: "isolation, work, and education."

TREATMENT OF PRISONERS.

The Philippine Commission, undoubtedly inspired by such ideas, passed Act No. 413 which, among other things, provides that prisoners should be treated with humanity in the most convenient manner to procure their moral regeneration, consequently favoring the visits of relations and friends, who might desire to exercise a moral influence over them. (1)

CLASSIFICATION OF PRISONERS.

In order to understand the difficulty in making an advantageous moral classification, which, after all, depends upon the special cir-

(1) Sec. 12, Act. No. 413.

cumstances of each town and locality in connection with its penal laws, some investigators study the character of the prisoner, which is certainly a difficult if not an impossible task; while others resort to the progressive application of the cellular system; while still others resort to the collective system with numerous subdivisions by reason of first commitment, recidivism, nature of the crime committed, and more or less depravity of the prisoners. Others base their classification upon the work, study, and good conduct of the prisoners. Professor Ottolenghi, of the faculty of medicine of the Royal University of Rome, points out the necessity of basing the classification upon a scientific principle, considering the physical and psychological conditions of the prisoner and the records of his past life in connection with the causes which led him to the commision of the crime; because, according to him, the sentence imposed and the conduct shown in connection with violation of prison regulations in applying the same rules and regulations to persons of different characters are not sufficient to secure a correct moral classification. Doctor Curti, of Zurich, recommends complete isolation during the first period of the imprisonment, during which the director or chaplain of the penal establishment should exercise a corrective influence on the mind of the prisoner. During the second period, the isolation should be made only at night, granting the prisoner certain privileges. During the third period, such privileges must be increased; and during the last period they are

permitted to be at liberty upon their word (*in parole*).

Lastly, the ex-director of the Elmira Reformatory, Hon. T. R. Brockaway, treats the subject from a practical standpoint as follows:

> The purpose of the prison and the treatment is to prepare such prisoners for industry, educating them to convert their economic uselessness into economic usefulness. This object and process imply a change of character, and incidentally a cultivation of virtues, which would be difficult if not impossible to secure by the direct exercise of exhortation.

In Bilibid Prison, the prisoners are divided by nationality into Filipinos and Asiatics on the one hand, and Europeans and Americans on the other. By reason of sex, (1) they are divided into males and females, having no means of communication between themselves, and there is a female employee to take care of the women. By reason of their legal status, prisoners are again divided into those temporarily detained and those definitely sentenced; and by reason of their sentence, into prisoners having short terms (less than five years) and prisoners having long terms (more than five years). Each one of these groups has its separate dormitory.

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(1) Art. 99, Penal Code.

FITNESS FOR WORK AND GOOD CONDUCT OF PRISONERS.

Prisoners are also classified, according to their fitness for certain kinds of work, into three classes. This classification gives those belonging to the highest class certain preeminence over those belonging to lower classes within the same general class.

And, lastly, they are classified, according to their conduct, into first, second, and third class prisoners; according to their orderly habits and good behavior which may entitle them to get the average of 90 per cent, 80 per cent, and of less than 80 per cent respectively.

PRISON DISCIPLINE.

As a general rule, it may be said that by means of good or bad conduct the grade acquired is gained or lost. In the same manner, the warden may make exceptional promotions in recognition of exceptionally good conduct.

On the other hand, prisoners violating any of the rules and regulations, those who are insolent, insubordinate, disrespectful, impertinent, disorderly, untruthful, and those who use profane and indecent language and refuse to work may be punished, at the discretion of the warden, by

> Reprimand; deprivation of visits; performing extra hard or disagreeable work; deprivation of meals, not to exceed two in one day, or for more than five consecutive

days; confinement in chains on bread-and-water diet, not to exceed forty-eight hours at any one period, not to be repeated until after forty-eigth hours shall have elapsed; confinement on bread-and-water diet, not to exceed fourteen consecutive days, and not to be repeated until after fourteen days shall have elapsed. A prisoner confined on bread-and-water diet shall be allowed 10 ounces of bread each day and as much water as he may desire.

PROCEDURE FOR IMPOSITION OF PUNISHMENT.

But before a prisoner is punished the following procedure is observed:

Each prison guard and employee has his respective book, wherein he notes his daily observations, good or bad, on the conduct of the prisoners. Said books are left at the office of the prison each evening, and are taken therefrom to the investigation court, presided over by the Second Assistant Director of Prisons. If there is a charge against any prisoner for violation of any rule, the president of the court, at the time the charge is investigated, gives the accused an opportunity to defend himself; and then he writes his findings and recommendations in the corresponding book or books. These books are afterwards sent to the chief of the medical division, who examines the accused to find out whether there exists any reason, either physical or mental,

why the punishment recommended should not be inflicted. The book or books referred to are then forwarded to the Director of Prisons for his final action.

Under the classification by classes or grades, the first and second class prisoners are accorded their respective privileges. Those of the third class are confined within certain limits of the prison all the time, and the warden may now and then impose on them the necessary restrictions in the interest of the system.

A prisoner may forfeit the time earned by him for good conduct if found guilty of any serious violation of the rules or discipline, or for lack of faithfulness and care in the performance of work, but he may recover it again by observing a specially meritorious conduct.

INDUCEMENT TO GOOD CONDUCT.

From the foregoing, it will be seen that promotion or demotion from one class to another, with the consequent acquisition or loss of privileges, naturally has a great deal to do with the improvement of the character of prisoners; and although it is true that the conduct of a prisoner in prison is not a solid ground upon which to base an estimate of his true character, nevertheless the penitentiaries which have adopted this system have preserved it up to the present time with satisfactory results. The Director of Prisons, in his report for 1908, says that a great majority of the first-class prisoners have 100 per cent re-

cords. As a further inducement to good conduct, prisoners who have never been guilty of violation of discipline or any of the rules of the establishment and who have performed with diligence and faithfulness all such tasks as have been assigned to them, are also allowed, besides the privileges referred to, a deduction from the period of their sentences as follows:

> a) For each full month, commencing with the first day of his arrival at a provincial or Insular jail or prison, during which he has not been guilty of a violation of discipline or of any of the rules of the prison, and has labored with diligence and fidelity upon all such tasks as have been assigned to him, he shall be allowed a deduction of five days from the period of his sentence.
>
> (b) After he has served two full years of a sentence, the deduction shall be eight days for each month thereafter.
>
> (c) After he has served five full years of a sentence, the deduction shall be ten days for each month thereafter. . .
>
> (d) After he has served ten full years of his sentence, the deduction from his term shall be fifteen days for each month thereafter.

As a part of this practice of rewarding prisoners for good conduct, the Governor-General may grant pardons under certain conditions which, when violated, give rise to the recommitment and

confinement of the persons conditionally pardoned for the unexpired period of their sentences. (1)

Following the reformatory system, several workshops have been established in Bilibid Prison where prisoners are trained by competent instructors in the following trades for their own good:

> Blacksmithing, machine ironworking, carriage and wagon making in all its branches, silversmithing, wickerware furniture manufacturing, tailoring, carpentering, cabinetmaking, machine woodworking, painting furniture, finishing and polishing, timber testing, shoemaking, tinsmithing, soap manufacturing, buttonmaking, hammock manufacturing, baking, cooking, laundering, etc.

Those who work in these shops are all males and treated like laborers in big factories. So far no provision has been made as to the teaching of manual training for female prisoners, in view of their comparatively small number. The majority have been sentenced to short terms of imprisonment, a circumstance preventing them from learning a trade; and those who are confined for long terms of imprisonment are not in a position, on account of their age, to learn trades of any kind, except those which an ordinary woman ought to know. For this reason they are employed in making, mending, and washing their own clothes and those of other prisoners, and in other work suit-

(1) Act. No. 1524.

able to their sex considering their physical condition. (1)

In his report for 1906, the Secretary of Public Instruction, speaking of this industrial division of Bilibid Prison, says: "The object of the Philippine Commission is to emphasize the educational feature of the prison institution". (2) At the beginning only a few branches of industry were taught, but considering the educational purpose of the system, on the one hand, and the plan to enable the prisoners to maintain themselves during confinement, on the other, and also the increasing number of prisoners joining the different industrial divisions, the number of said branches of industry has been gradually extended and increased. The Secretary of Commerce and Police, however, has said that "the Government has been very careful not to have prison labor compete with legitimate business enterprises in the open market". (3)

This question of competition has been the object of frequent discussions among those who have studied this feature of penal science. This part of the report is not intended to deal with the restrictions and conditions under which prison products may be allowed to compete with private enterprises. We simply desire to state that of the ₱48,769.48 proceeds from public sale of Bilibid articles, ₱28,592.90 were received from furniture made of Philippine materials which have little

(1) Act. No. 1703, sec. 11.
(2) Report of the Phil. Com., 1906, Part III, p. 328.
(3) Report of the Phil. Com., 1904, Part. III, p. 10.

competitive character, for the reason that there are very few factories in the Islands making them, so that the remaining ₱20,166.56 is what may be said to have proceeded from goods having that character.

In the above-mentioned report, the Secretary of Commerce and Police also said:

> It is hoped that this policy of avoiding competition with private products will not be carried so far as to prevent the prison from becoming more nearly self-supporting.

In other words, the object of the Government is to make the prison as little burdensome on the State as possible. Moreover, we may add that it would be a contradiction to maintain the reformatory character of the prison if it should be deprived of the workshops, where, on account of the number and class of apprentices, there would necessarily be an excess of production for sale to the public. We deem this to be a sufficient justification without alleging other strong reasons relative to the preservation of health and prevention of idleness among the prisoners.

Incidentally the question whether prisoners should be allowed to share in the proceeds of the sale of articles, made in the workshops, for the maintenance of their respective families, has been raised. Without discussing this point, we can not too highly commend the philanthropic spirit of the school of Howard which aims at the improvement, in every possible respect, of the condition

of the prisoner, assuring him of the support of his family during his confinement. The provisions of article 113 of the Penal Code, in force here, sufficiently cover this question. Said article says:

> Art. 113. The products of the labor of prisoners shall be used:
>
> 1. To pay the civil liabilities of the prisoner arising out of the commission of the crime.
>
> 2. To indemnify the institution for the expenses occasioned by the prisoner.
>
> 3. To give the prisoner, should he deserve it, some means of saving money during his confinement, and to create a fund to be delivered to him on his release from prison, or to his heirs, should he die therein.

MORAL EDUCATION OF PRISONERS.

Moral education among prisoners has not been neglected. There are day and night schools within Bilibid Prison under the direction of prisoners. There are also two Catholic chaplains who attend to the religious life of the prisoners, such as hearing confessions, preaching sermons, and giving lectures. There are also representatives of other religious denominations who voluntarily render services to the prisoners, according to their respective religious creeds. The prison has a library to which certain privileged prisoners have access. They have regular hours for rest (12:15 to 1:45 p. m.) and for recreation (6:30 to 8:45

p. m.). There is also a band, composed of prisoners, that gives concerts after the regular hours for work are over, and the prisoners are sometimes given stereopticon entertainments and lectures, etc.

The Director of Prisons, in his pamphlet published in 1908, said:

> Bilibid Prison differs from the usual penal institution in several respects, some of which are: The reformatory methods employed in the endeavor to prepare the inmates for good citizenship and gain for them an honorable position in the community on their release.

According to this theory, the Director of Prison, in his letter addressed to the Office of the Attorney General, July 14, 1910, answering certain questions, said:

> The Government on assuming charge of its wards builds them up physically and mentally; imbues them with the industrial habit; fits them for earning a livelihood honestly; gives them mental training in day and night schools; furnishes them with a suit of clothing on their release, transportation to their homes and so much of ₱10 as they will require during the journey. Positions are secured for those whose conduct warrants their being well recommended, and this Office arranges

to keep informed as to their progress and requirements.

In this connection it is necessary that certain relation should exist between the reformatory labor performed in Bilibid Prison and the protection to be given to prisoners after their release to enable them to earn an honest living. The former would be of little use, if the circumstances of the prisoner after release are such as to induce him to commit other crimes instead of living an honest life. On behalf of the Government, the Bureau of Labor could do a great deal in the solution of this problem, especially if private associations, as in other countries, are established for the purpose of helping and protecting former prisoners, thus expediting the complete regeneration of each one of them who, on account of having been prisoners, meet with many obstacles rendering their struggle for existence somewhat more difficult in the community in which they live.

HEALTH CONDITIONS.

As regards the health condition of the prisons, we may say that the health of the prisoners is properly taken care of. The Bureau of Health has the control and direct inspection of the Insular prisons, (1) which are under the direct control of the district health officers. (2) The provincial prisoners are attended by the president of the municipal board of health and they may also

(1) Act. No. 1407, sec. 5.
(2) Act. No. 1487, sec. 13.

secure the attendance of the district health officer at the request of the local authorities. (1) Compulsory cleanliness of body, wards, and dormitories is imposed upon them. They have regular hours for work, recreation, and rest. They have a dormitory system instead of cells.

CORRECTIVE ASPECT OF THE PRISON.

Prisoners, except squad foremen, when not working or sick in the hospital, are confined in their respective wards.

Prisoners are strictly prohibited:

To communicate with any person; to talk to visitors or to give or receive anything from them, unless permitted by the warden or his deputies; to talk with any officer or prison guard, unless permitted to do so in case of urgent necessity, and during the working hours only what is necessary to execute their work; to talk aloud or to make noise of any kind; to talk, to look around, or to laugh while working; to talk with the prisoners distributing their rations; to leave the place to which they are assigned during working hours, except through the office of the warden; to keep food in their possession after meal hours. Prisoners are required:

To observe strict obedience to the rules and regulations of the prison and to the orders of the officers and guards, and no ex-

(1) Act. No. 363, sec. 1, and sec. 14, Act. No. 1487.

cuse whatever shall be admitted for any disobedience; to devote their attention exclusively to their work; to keep quiet and silence in every array; to keep strict silence after the *tatoo* (8:45 p. m.) and to go to bed after the taps (9 p. m.). Every able-bodied male prisoner serving a final sentence, except those over 60 years old, shall be subjected to hard labor for seven and a half hours a day, and to work on the Insular, provincial, and municipal public works or in any other part of the Islands by executive order of the Governor-General, except on legal holidays.

The following are exempt from the foregoing rule: Persons merely detained, those sentenced to imprisonment without hard labor, and those exempt by reason of sickness. Persons merely detained may, however, if they so desire ask in writing the deputy warden or the assistant deputy warden to allow them to work during detention, deducting afterwards the time so employed while in detention from the sentence that may be imposed upon them in the event of their conviction. (1)

It will be observed that the system of complete isolation day and night in cells is not followed; and the system followed in Bilibid Prison seems to have given good results in other places.

Such grouping or classification of prison-

(1) Act. No. 1533, sec. 5.

> ers (in groups) with limited communication and strictly regulated, renders easy their education and discipline, fosters manual and academic education, contributes in strengthening the manly character of the prisoners and their morals, cultivates a habit which becomes almost instinctive, quick, and sure in adapting themselves to a civic and orderly conduct. (1)

In view of the possibility of communication between the prisoners of a group, and having in mind the classification into groups above mentioned, it would be convenient to have a division between the prisoners who, in view of their past life and the circumstances of the crime committed, have accidentally transgressed the law, and the incorrigible ones. This classification is, in our opinion, one of the means of obtaining the moral classification recommended in the second conclusion above cited by the International Congress of Prisons.

QUASI-MILITARY ORGANIZATION

Except during working hours, the prisoners are treated like soldiers in their barracks. Under this semi-military organization the prisoner becomes accustomed to self-control and discipline, so that he can be easily and properly controlled and governed. For this purpose, they are divided into

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(1) Extract from the Report of the Superintendent of Elmira Reformatory, presented to the International Congress of Prisons, at Budapest.

squads. At the head of each squad, composed of 24 prisoners, there is a foreman, who is also a prisoner promoted to the highest class. Several squads compose a section, commanded by a guard; and several sections make a group, under the command of an overseer.

CORREGIDOR PRISON AND PROVINCIAL JAILS.

It may be stated that the rules of discipline and means of correction and reform used in Bilibid Prison are enforced in Corregidor, with the exception of industrial work.

The Director of Prisons, with the approval of the Department Secretary, makes regulations for the internal administration of the provincial jails, which are enforced under the immediate supervision of the provincial jailer.

In 1913, for the purpose of investigating the causes of the delay in the dispatch of civil and criminal cases, I had an opportunity to visit twenty-five provinces, namely, Cavite, Nueva Ecija, Rizal, Bulacan, La Union, Ilocos Sur, Ilocos Norte, Pangasinan, Tarlac, Pampanga, La Laguna, Batangas, Tayabas, Sorsogon, Albay, Ambos Camarines, Samar, Leyte, Surigao, Cebú, Bohol, Oriental Negros, Occidental Negros, Iloilo, and Capiz, and with respect to provincial jails, in general, I found them in excellent conditions as regards cleanliness, equipment, and hygiene, the provincial jails of Pangasinan, Pampanga, Nueva Ecija, Ambos Camarines, Leyte, Cebú, and Iloilo deserving spe-

cial mention for their tidy appearance and the orderly manner in which they are kept. In the provincial jail of Pangasinan, for instance, there are sufficient apartments for a dormitory, a bathroom, toiletroom, diningroom, infirmary, and a dispensary and there is even a room which is designated as "library". Although I did not see any book in this department, yet the designation suggested to me that there was a plan to organize that department and furnish it with books suitable for the prisoners to read. May it be hoped that this plan be realized and the example thus set followed in the management of all provincial jails. In the provincial jail of Ambos Camarines, which also contains sufficient apartments to meet the needs of the institution, the prisoners are engaged in making rope and hammocks out of hemp, and other articles. If a general system could be adopted in all provincial jails looking to the industrial and moral education of both convicts and detention prisoners, it would go far to ameliorate the conditions of the unfortunate prisoners, for it would give them an opportunity to learn a trade which would be very useful to them when they leave the jail. Industrial education makes the prisoners acquire good habits and instill in their minds love for work. Moral education is very indispensable in penal institutions; it regenerates the bad character of the convict, destroys his bad habits, and predisposes him to the practice of civic virtues, punctuality, orderliness, industry, mutual respect, etc.

It is well to improve the conditions of pro-

vincial prisons to render the prisoners a humane treatment having in mind the fundamental idea on which Act No. 413 of the Commission was inspired, to the effect that the prison must be a home for treating men in a humane manner and not with cruelty; it must be a place for correcting prisoners, not for making them suffer. But it must not be forgotten that the principal thing in matters of prison consists not in establishing the best prisons, but in adopting the means most conducive to improving the prisoners. As was declared by the Penitentiary Congress of Washington, it must never be supposed that a prisoner is incapable of improvement, and that without prejudice to the fact of exemplarity and the retributive character of penalty being of public interest, said penalty must include an effort to improve the condition of the prisoner by means of religious, mental and industrial instruction.

PLACE OF CONFINEMENT OF JUVENILE OFFENDERS.

As regards the age of prisoners, the law provides that, if the conditions of the prison so permit, juvenile offenders should be confined in a separate department, thus avoiding contact with older and habitual criminals. (1) Since January, 1906, the Governor-General may, by executive order, direct the transfer of any minor serving a sentence in Bilibid Prison or in any provincial jail to any asylum for orphans, reformatory, charitable association or association for the prevention

(1) Sec. 12, Act No. 413.

of cruelty to children, or to any charitable institution or school which has for its objects the care, improvement, reform, or education of minors, there to serve the remainder of their respective sentences, provided that such minors, if male, are under 16 year of age, and if females, under 18 years old at the time of their commitment. (1) Courts of proper jurisdiction may, in their discretion, suspend the execution of the sentence imposed upon a minor or send him to any of the establishments mentioned above, provided that the minor's age is between 8 and 16 if male, and between 8 and 18 if female, and provided further that they have not been sentenced for crimes punished with life imprisonment or death. (2) The establishments or institutions herein mentioned have to adopt the rules and regulations that may be necessary to secure the proper custody, instruction, and education of the minors, (3) and it is their duty to give them instruction in some useful arts and trades, and to make them do what is necessary for their moral and physical well-being. (4) It must be stated, however, that the Penal Code exempts from criminal responsibility children under 9 years of age, (5) and those over 9 but below 15, unless they have committed a crime with discernment. (6) The court must make an express declaration of this fact to convict

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(1) Sec. 1, Act No. 1438; and sec. 21, Act No. 1703.
(2) Sec. 1, Act No. 1438.
(3) Sec. 22, Act No. 1703.
(4) Sec. 2, Act No. 1438.
(5) Art. 8, No. 2, Penal Code.
(6) Art. 8, No. 3, Penal Code.

them or acquit them. In this last case, in accordance with this number and the preceding one, said minor, must be delivered to his family with instruction to educate and look after him. In the absence of a person to educate and care for the said minor, the same will be taken to some charitable establishment devoted to the education of orphans and abandoned children, from which he can leave only at the time and under the conditions prescribed for those received therein. When the offender is below 18 years of age, this fact is considered as a mitigating circumstance. (1)

It may be stated that the "Hospicio de San Jose" and the "Lolomboy Reformatory" are the only institutions where convicts under 18 years of age are confined. These institutions are conducted by a religious corporation, the "Hospicio de San Jose" being for girls and the "Lolomboy Reformatory" for boys. Juvenile offenders confined in these institutions are given primary instruction by competent teachers. Their moral training is under the direction of ministers of the Catholic religion and sisters of charity, and as regards physical culture, the boys confined in the "Lolomboy Reformatory" have all games, gymnasium exercises, etc. Besides, they are taught certain trades such as tailoring, manufacturing of rattan articles, laundering, ironing as well as horticulture. After the passage of the Jones Act in 1916, in view of the constitutional prohibition of expenditure of public funds or property in

(1) Art. 8, No. 3, par. 3, Penal Code.

favor of any sectarian institution, the city of Manila established institutions for juvenile offenders known as the "City Boys' Reformatory" and the "City Girls' Reformatory" to take care of boys and girls who were at the time confined in "Lolomboy" and in the "Hospicio de San Jose".

Although the statistical data contained in the report of the Attorney-General for 1910 are not as exact as might be desired, for the reason that the question of sending the juvenile offenders to an asylum of the character of the "Hospicio de San Jose" and the "Lolomboy Reformatory" was left to the discretion of the judges, we, nevertheless, believe that they will throw sufficient light upon the juvenile criminality in the Philippines. It should be noted that *theft* and *vagrancy* are the crimes producing the greatest number of juvenile offenders, which is explained by the fact that house servants furnish the greatest average of juvenile criminality, on account of the opportunity afforded by their occupation to commit petty thefts in houses.

With respect to this question, it is necessary to adopt more ample measures for the reformation of juvenile criminals, not only as regard to the establishment of a special institution for them, but also for their instruction.

These institutions for observation, from which the penal character should be excluded—because all ideas of atonement are to be substituted by education—have for their object the determination after a certain period, whereas the juvenile offenders should be freed or should be sent to a

penal institution for correction. As Mrs. Charles Russel Lowell has said in a lecture delivered by her in New York in 1893.

> "Thousands of children who ought to receive the training of family life are, on the contrary, living in the unnatural isolation of a crowd of children like themselves, and subject to institution training which must destroy in almost all the capacity to meet the difficulties and temptations to which they will be exposed as soon as they begin life for themselves. What preparation for independent action can be found in a life the one necessity of which is absolute dependence upon and conformity to rule? What room is there for the development or exercise of energy or invention in a life where everything is ready to hand and prepared by machinery? What chance is there for a child to learn the value of property or the difference between *meum* and *tuum* where everything, even the clothing, belongs to no one individual but to the whole community? What sense of personal love or care can be felt when the child is one of a thousand or even of a hundred marshalled and drilled in companies, from getting up in the morning until going to bed at night? Fancy the stultification of mind and soul which must follow from such conditions. Yet these conditions are, I believe, inevitable even in the best of our institutions, for there are only four on

the whole list of those of which I am speaking which have less than a hundred inmates".

Fortunately for these Islands, we may state that, considering the data we have examined, juvenile criminality has not attained alarming proportions due to the absence of determining causes which exist in large and thickly populated cities of Europe and America. Nevertheless, it would be plausible for the Insular as well as provincial and municipal governments to adopt some measures such as the establishment of an institution for juvenile criminals, and the adoption of colony or family system where orphan children or those whose parents are serving some term of imprisonment might be kept. By the adoption of these measures, (1) the number of juvenile criminals would certainly be diminished.

SAN RAMON PENAL COLONY (ZAMBOANGA) (2)

San Ramon is a model penal colony. Its organization is different from that of Bilibid, inasmuch as the prisoners are distributed in various agricultural and industrial divisions of the colony outside of the prison walls and are only confined at night. Within the prison walls are various

(1) At this time there is a proposed bill intended to establish and maintain a "Philippine Juvenile Reformatory" for the protection, education, and reformation of juvenile offenders with a view to placing the juvenile offenders now confined in the City Boys' Reformatory and the City Girls' Reformatory under the supervision of the Director of the Bureau of Prisons.

(2) Se page 100, Vol. 4, part I, Census of 1918.

compartments, namely: dormitory, dining-room, laundry, bakery, tailor and barber shops, administrative office, and sales office. Well behaved and diligent prisoners are allowed to live in separate houses outside of the prison walls. The industrial activities of these prisoners consist in road-building, manufacture of copra, cattle and hog breeding, and poultry raising. The cattle and hog industries are well developed. The agricultral activities of the prisoners consist in planting coconuts, vegetables, fruits, and other plants, which are grown in abundance both for the use of the prisoners and for sale. It is reported that the number of coconut trees already planted in San Ramon is 80,000, of which 50,000 are bearing fruits the remainder are about 4 years old. The farms of the San Ramon Penal Colony have building for the superintendent and employees. There is also a school for the colonists' children. The colony has well-constructed roads traversing it, the total length of which is about 15 kilometers.

The prisoners work regularly during the hours fixed by regulation. All work done is for the benefit of the farm. The prisoners are given such good food that their physical condition could, as a rule, not be improved upon. They are allowed to bathe every day and a sea bath is allowed them once a week. It is believed that when the plantation is completely developed, it will not only be self-supporting, but able to turn a surplus profit into the insular Treasury.

IWAHIG PENAL COLONY (PALAWAN) (1)

Something must be said regarding the Iwahig Penal Colony. Here the prisoners, upon entering, cease to be "prisoners" and become "colonists". This institution is different from that of San Ramon as the colonists are allowed to live in complete liberty, with the exception of those who commit some offense and are punished with either imprisonment or arrest. The colonists are distributed in different barrios, and are allowed to live with their families. Each one of the barrios is administered by a barrio lieutenant, who is elected by the barrio residents. The election is held under the direction and supervision of the superintendent. Each barrio has its own board of jurors, composed of 15 members, all of whom must be colonists of the first class (petty officers, "capataces", and division chiefs). The president, the two assessors, and all the other members of this petty court are elected by the colonists of the first class from among themselves. The elections are subject to the approval or disapproval of the superintendent. The latter official exercises appellate jurisdiction over cases appealed from the jury and is clothed with authority for revision. He also examines the jury's proceedings and decisions. The cases arising among the colonists and any other which, in the opinion of the superientendent, had better be decided by the colonists themselves, are endorsed to the jury for judgment,

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(1) Se page 101, Vol. 4, part I, Census of 1918.

by means of a memorandum order. The prosecuting officer of the jury is named directly by the superintendent, while the attorneys for the defense are elected or named by the accused himself from among the colonists of the third, second, or first class. The prosecutor and the attorney have almost the same duties and rights as those who appear in ordinary tribunals; in appealed cases they submit their briefs in writing to the superintendent. The punishments are inflicted in a manner redounding to the benefit of the colonists themselves, since instead of being confined, the colonist so convicted is made to break stones daily, unless his health does not permit of this. These stones are used in the construction of buildings and roads.

The work is distributed among eight divisions. Nearly one-half of the 1,052 colonists living in the colony are giving their time to agriculture. The engineering and machinery division has under its management the ice-plant and sawmil, the horse-shoeing department, the water and power plants, and the carpentry shop.

The agricultural products of the colony consist principally of coconuts, corn, rice, fruits, and vegetables. Mention should be made of the planting of coconuts, which is done on a large scale. About 67,000 coconut trees have already been planted; of these, more than one-half are bearing fruits.

The production of the colony is composed of many agricultural products—the most important being livestock, copra, rice, sugar, vegetables, and tobacco. The fishery nets, the sawmill and forest-

ry products are likewise important sources of revenue. Fruit trees, such as orange, mango, and bread fruit or nanka trees, are being cultivated; there is also a considerable area planted to banana trees.

The total area occupied by the colony is 160 square miles. Six hundred and fifty hectares are planted with coconuts, 110 hectares are devoted to rice, 60 hectares to sugar cane, and 130 hectares to corn and other crops. There are within the confines of the colony in all 950 hectares of cultivated land and 1,250 hectares of pasture.

The results of the method of penal colonization adopted in the two institutions described are what could be expected. Encouraged by the desire of promotion from one class to another, in order to enjoy additional privileges, and knowing that their confinement in the colony is more beneficial and profitable for them than that in Bilibid Prison, the colonists are on their good behavior. Furthermore, those holding positions of trust may receive a monthly allowance in money, not to exceed ₱5, besides the percentage which, in the superintendent's discretion, is given them from the proceeds of goods manufactured or otherwise produced in the colony. If they so desire, they are granted a suitable piece of land within the reservation which they may cultivate and improve, the Government furnishing them with such tools, implements, and agricultural supplies as they may need; they may also have their families with them, who are supported from the general products of the colony as long as the land cultivated

by them does not yield enough for their support. In this way, order in the colony is secured without the help of force, and habits of industry are instilled among the colonists.

There can be no doubt that the settlement of prisoners in colonies under the system adopted in these colonies is highly beneficial, both to the colonists and to the Government and society at large. It is beneficial to the colonists because nowhere else could there be so much moral uplift. The reputation and betterment of these prisioners are never lost sight of in these colonies, where they really acquire the habit of labor, the spirit of economy, and love for peace, all virtues which they must possess in order to live properly in society.

These penal colonies are beneficial both to the Government and to society. Firstly, their moral effect is such as to save the Government considerable expense for the maintenance and guarding of the prisoners, and, secondly, the labor of the colonists is utilized to the best possible advantage for society. If colonies like those of San Ramon and Iwahig were established in the northern, central, and southern parts of Luzon, the benefits to be derived from them would be distributed equally among all provinces. Such colonies, if properly managed, would in time become magnificent farms, the income of which would not only maintain the colonies themselves, but would be available for the construction of provincial roads, the increase of the salaries of the teachers, and the increase of the number of schools in the prov-

inces concerned, and society would thus enjoy the blessings of education instead of suffering the harm caused by the commission of crimes.

Indeed we are not the first to establish these penal colonies. The provincial authorities of Ontario in Canada made an interesting experiment. It is now about twenty years since said authorities after much thinking decided to abandon the penitentiary procedures which humanity has been following for some centuries now. They selected four hundred unfortunates from those who were serving punishment for their crimes in the central prison cells of Toronto and took them to a farm, promising them to let them work there absolutely free without chains nor watchers upon the word of honor of the prison people, but at least for human purpose the experiment was worth making. Besides, the authorities of Ontario acted with precaution, having abstained from doing it with murderers or prisoners guilty of firing bombs; however, many of those selected were professional thieves, falsifiers and pickpockets and at least ninety per cent were given to drunkness.

And, although incredible as it may be, the experiment was successful as was expected. Four hundred offenders, the majority of whom are young and strong, live the whole year around in the field without any more vigilance than what the workers of any farming house could make. The conditions could not be more suitable for their escape; however, during three years only four escaped. Persons are not lacking who have said that such a

system makes the life of the prisoner so delicious as to amount to rewarding crime. But contrary to this opinion, the majority of the people of the penitentiary farm are regenerated; not even one-half of them relapse, contrary to what happens with inmates of ordinary prisons.

In view of this success the government of Canada repeated the experiment in Fort William. The prison was small, the prisoners many. Some lands of the State were marked with boundaries and groups of prisoners were sent there and left with relative freedom upon their word of honor that they would not escape in mass "in order not to put the administration of justice in a ridiculous shape". With the prisoners numbering forty-five, there live five employees, a foreman, a rural guard, a teacher of agriculture, and a cook. In the whole land there were no more gates than that of the plows, nor more chains than the bridles of the horses drawing them, nor more weapons than a shot-gun for hunting to make meals as delightful as possible. At night one of the offenders is left as watcher. This system has been followed for more than one year and in that period only three men escaped.

It is just to say that such a procedure was not adopted only for human reasons but also for economy. Formerly the government had to support the prisoners and got no benefit from its uncultivated lands; now these give enough for the maintenance of the prisoners and there is still a surplus. At any rate the system can not be more philanthrophic.

In Fort William as well as in Ontario farm, the prisoners enjoyed absolute freedom within the land cultivated by them. They are not obligated, as those living in prisons, to wear a special suit nor to have their hair cut; they live, in fine, as any other farmers. Those of Ontario not only cultivate land but have built roads and edifices in the field and have even established a small railroad which they themselves manage.

It is difficult to conceive how, enjoying this relative freedom, without walls, without gates, or watchers, all the prisoners who could be very properly termed "loose prisoners" do not escape. Perhaps it can be attributed to the love of work which little by little is being inculcated in the heart of these unfortunates. So at least some incidents occurring in the penitentiary farm seem to show.

One day when the prisoners were constructing a small concrete bridge, the hour to leave the work came at the precise moment that only few details were lacking in order that the work be finished. The foreman asked: "What shall we do? Shall we leave it for tomorrow or finish it now?" "Let's finish it" cried all at the same time.

Being enthusiastic with the work they did not feel that hours were passing by and when the bridge was finished it was about twelve o'clock in the evening. But when they entered the large dining room where by order of the foreman a good coffee with sandwiches and biscuits were awaiting them, all exhibited in their faces

that contentment which springs from the fulfillment of a duty.

Frequently, when some prisoner is about to complete sentence, having been diligent in the cultivation of such and such a parcel of land, he approaches the foreman and tells him, "Let us see who is to be placed by you in charge of that when I am gone; it is a pity that any vagabond should spoil out what I have done." A young thief in charge of the horses requested to be allowed to remain in the stable to take care of one of the animals who was very sick. The foreman suspected that he was intending to escape, but still he granted the request. On the following morning the boy was in his place—had been watching the whole night—and the horse was out of danger. When the prisoner completed his sentence he was employed with a good salary and given charge of the stables.

All of which does not mean that the penitentiary system which was tried in Canada is the best, but it does show that at least it is without the inconveniences of the prison system of rendering bad men worse than they were. (From "Alrededor del Mundo").

SECTION XIV

REMEDIES AGAINST CRIMINALITY.

For many years it has been repeated over and over that as long as there are men there will be crime, and that it is impossible to put an end to it.

The classical school attributes the cause of this phenomenon to the very imperfection of the freedom of man, which enables him to perform acts either virtuous or criminal, according to his free will; while the positivist school makes it depend upon the law of criminal saturation, by virtue of which there is in every social body a minimum of natural atavistic criminality, due to anthropological factors. Without disregarding the scientific value of such doctrines, we believe that the explanation of this phenomenon may be found in the biological law of transformation, in accordance with which social organisms, like those of the animals, are susceptible only of partial and gradual transformations. As a result of this law the different social strata are not transformed to the same extent and in an equal degree, in spite of the great progress of civilization; and consequently there cannot exist, not even within the geographical limits of a political entity, the same grade of culture, the same loftiness of purpose, the same nobility of sentiments, or the same degree of moral sensibility. There will always be passionate impulses which generate the spirit of

crime, and lead to the birth of hatred, desire for vengeance, violent deeds, deceit, in a word, base emotions, which are the cause of the infractions of the penal laws enacted by the government for the protection of the community. And this is the reason why crime is always associated with every human organization.

It must be admitted, however, that if crime as one of the effects inherent in human societies can not be obliterated, its commission can at least be restricted. Medical science has progressed in such a way that its apostles, the hygienists, now assert that diseases are nothing but the result of infractions of the rules of hygiene, and they confidently expect that the day men learn to observe these rules properly, many of the ills which today afflict suffering humanity will be done away with. What reason is there not to say the same with respect to the social disease called crime? If hygiene is the best physician, the prevention of crime, rather than its control, contributes to the decrease of criminality.

Ferri, amongst others, points out various methods, which he calls penal substitutes or equivalents. He lays stress upon the importance of education as a means of preventing crime, especially when it is accompanied with the lessons of experience and the example which all social classes receive from their leaders, whether in school or in the home, whether in the press or in the professorial chair, in the theater or at public entertainments.

We must acknowledge, to begin with, that

education alone will not be able to rid us completely of crime, for there are some crimes, as, for instance, forgery, that can be committed only by educated persons. But setting aside the "instinctive criminals", who have a natural tendency toward crime, whom many authors call congenital criminals or criminals from birth, and who are filled with a malignity which saturates them with a propensity to crime, it is certain that education ennobles the sentiments and alters the character of the individual, and by giving him the knowledge through experience of what ought to be done and of what ought not to be done, forms in his spirit an internal restraint which checks the outburst of evil passions, thus contributing to the decrease of crime.

Let us consider the case of our own country. It is said, for example, "that at the time of the conquest there were here many excesses and crimes, and that disorder and vice, ignorance and deceit, usury and slavery reigned amongst the natives". Although the estimate of the first historians of the Philippines on this point may be open to discussion—and probably it will be discussed as the fields of historical investigation in our country is extended—it seems, nevertheless, that this was the general belief amongst those writers. But, laying aside unreasonable prejudices, the most superficial observer will note how great is the transformation that has taken place in Philippine culture from the time of the conquest to the close of the Spanish sovereignty in these Islands.

It is not necessary to determine now the vari-

ous factors which have contributed to this result; it will suffice for our purpose to say that the civilization of the Philippine people, as the Spaniards left it, is due, to a large extent, to the educational measures which, inspired by Christian morality and applied here to a people eager for progress, have repressed the ancient manifestations of criminal activity to such an extent that General Sanger, when he took the census of the Philippines in 1903, could with justice say that the Filipinos, as a race, have no inclination to crime.

The influence of the educational method as a means of preventing crime finds support also in the opinion of various writers. Dorado, in his "Estudios de Derecho Penal Preventivo", speaking of the importance of prevention, cites Lardizabal, called the Beccarria of Spain, who says: "In order to avoid idleness and beggary, which are the most fruitful sources of crime and disorder, it is necessary to provide a good education for the people". "How much better and more convenient it would be", he adds, "to prevent these evils with gentleness by means of education, than to be forced to have recourse to the rigor of laws to correct them".

Gutierrez, also quoted by Dorado, likewise considers the prevention of crime of great importance, and believes that the encouragement of public instruction and the education of the spirit of the citizens, by inculcating in them the true notions of right and wrong, are the surest means to bring about the decrease of common crimes.

There are, however, criminologists who main-

tain the theory that instruction does not have the effect of decreasing criminality or causing crime to lessen, and it has even been said by Carpena, in his "Antropología Criminal", that in proportion as civilization increases criminality increases, even though the means of combating it abound. This difference of opinion arises from confusion as to what is meant by instruction and education. Laurent says: "It is very certain that higher instruction uplifts the soul, ennobles the heart, and teaches one to render homage to the beautiful and the true. But, in spite of all, it will be insufficient if it does not have education as a faithful ally". And Lombroso expresses himself in similar terms: "Knowledge which does not make the individual more moral, converts him into a criminal more refined, more shrewd, and more dangerous".

"We should not expect", says McDonald in his "Abnormal Man", "a great decrease in the number of crimes until the children receive moral and social education in the home or in institutions which resemble the home. But much still remains to be done even after the child has obtained this good start. From this point the preventive method consists in moral, intellectual, and physical instruction, which is education in its true meaning".

Certainly, education comprises three guiding forces: the physical, the intelectual, and the moral. While physical guidance invigorates the body, and intellectual guidance enlightens the understanding, moral guidance purifies the habits and ennobles the sentiments, glorifies the civic virtues and destroys the social vices, thus making the com-

mission of crimes less likely. A moral man has no inclination to crime.

It is necessary, then, to extend the benefits of education to each and every one of the citizens; that education which instils in the youth and in all the social classes the realization of the sanctity of work, love for our fellow-men, respect for the property and rights of others, obedience to the law, respect for authority, the faithful performance of duty, self-denial in suffering, and moderation and prudence in our acts.

In order to popularize moral education, a knowledge of elementary rules of criminal law is indispensable, so as to prevent violation of its provisions, which often results from ignorance of the law.

The use in schoolrooms of a pamphlet containing the elementary and fundamental principles of penal law would produce the same beneficial results derived from the distribution of literature on hygiene to prevent the spread of contagious diseases. To place a general knowledge of our penal law within the reach of the laity, indigent poor, and the student community will go a great way towards checking the progress of such crimes.

In the opinion of some writers, the fact that the schools and educational institutions can not check the progress of crime, is due to their defective organization. Although it would be unfair to attribute the whole cause to the imperfection of the schools, it should be realized, nevertheless, that a part of the responsibility rest upon the

shoulder of the educators of youth. In order to meet this responsibility, it is necessary to promote moral education. But it should be borne in mind that the whole success of the moral education of the individual lies in the example, in the personal character of the educator, and, consequently, the teacher should be an exceptional model of morality. For moral education, in the last analysis, is but the teaching of good habits and right conduct, as well as civic duties and moral virtues taught by the Christian doctrine such as prudence, which inclines us to apply conveniently the means to the purpose; justice, which induces us to give everybody what is his; temperance, which teaches us to moderate our passions; and fortitude, which encourages us to suffer with patience our troubles and undertake difficult enterprises.

For the preparation of the people for duties of citizenship and for every day duties of civilized life it is necessary to teach the children the duties which citizenship imposes upon us. These duties are correlated with the rights conferred by it; hence, in order to determine these duties we must know their corresponding rights.

Thus, citizenship grants a right to the protection of the government; corresponding to this right the citizens have the duty of contributing toward the maintenance of the government and of obeying its laws. Citizenship grants to the people the right to choose those who shall take part in the direction of the government; corresponding to this right, the qualified citizens have the duty of intelligently exercising the suffrage. Citizen-

ship gives the right to participate in the privileges which the government grants to the natives of the country; corresponding to this right, the citizens have the duty of working for its prosperity and of defending it against any danger which might threaten its existence.

These fundamental duties give rise to others duties which may be called incidental. From the duty of contributing towards the maintenance of the government and from the duty of obeying its laws there arises that of being industrious without which the betterment of living condition would be impossible. From the duty of respecting other's right to property, life and liberty, there arises that of being courteous and benevolent towards mankind in general and our fellow-citizens in particular. Similarly, from the duty of intelligently exercising the suffrage, there arises that of educating one's self in general culture and the principles of government, and of interesting one's self in public affairs. Finally, from the duty of working for the prosperity of the nation and of defending it against any danger, there arises the sacred duty of patriotism.

We can, therefore, summarize the most important duties of citizenship thus: the payment of taxes, obedience to laws, the exercise of suffrage; interest in common welfare; love of work; interest in social and civic education; respect for rights of property, life and liberty, benevolence and courtesy in one's social dealings, and reverence for country.

To train children in industry, it is necessary to imbue them with the idea that work is the source of all well-being; that activity is a condition of life, just as inertness is an indication of death. But this is not sufficient. It is necessary besides to give them light and agreeable work every day, and to exact of them its complete performance. The orderly arrangement of class room furniture, the cleaning of school equipment, garden work, are activities that teach children to love work. Once accustomed to work, the child will seek it; and idleness will be for him a hardship.

It is necessary to make pupils understand that they should contribute by their work to the improvement of their school, and the welfare of their homes, so that they may always remember their duty of supporting the government for the good of the people.

To make the child like study, it is necessary to make him understand what he is studying by means of explanations and clear simple illustrations; let the school be for him an attractive place as much for the affection of his companions as for the kindness of the teacher who directs them. To know the capacity of the child and to unfold it gently and gradually constitutes the secret of teaching. The neglect of this method on the part of the teacher tends to discourage the child and to make him dislike study. Stories about evil results of ignorance, such as poverty, vices and crimes, serve oftentimes to cause enthusiasm for study. There are many other ways of making study agreeable to children, and that the teacher

should teach with discretion to attain success in his profession.

To train the children in self-government, it would be desirable to make them govern their class and elect their officers, and allow them to organize students' associations where they may learn to interest themselves in affairs which affect the well-being of the association, where they may learn how to behave among themselves with courtesy and affection, how to cultivate friendship and how to respect others as they would like to be respected.

To teach respect for the laws, it is not necessary to cite to the children the legal provisions which define punishable acts. It is sufficient to make them understand the disastrous consequences which befall those who take other people's property, those who defraud, those who commit libel, those who are immoral, those who endanger the health and life of their fellow-beings, and those who cause public disorder. This method followed by practical examples from every day life would make the children understand that it is wrong to steal, to defraud, to dishonor, to detract, to conspire against the life and health of others, or against peace and public order.

The teaching of respect for law is fundamental. The foundation on which the greatness of a nation rests is formed by morality, industry and order, none of which can exist without respect and obedience to the law. While the main object of the law is justice, its immediate aim is order, because without order it is impossible to maintain

justice, encourage industry, and foster morality. Therefore, in modern popular governments where the people make their laws through their representatives, the reform of unjust, oppressive and unsuitable laws, can not be brought about by a revolution, but by the changing of undesirable laws through the Courts or through the election of new representatives or through other means provided for in the Constitution of the state.

An affectionate treatment of children will teach them to treat their companions kindly. The sentiment of benevolence, as expressed by Garófalo, has many degrees of development; the pity which prevents acts whereby physical pain is inflicted; the pity which prevents those that may cause a moral pain; the pity which impels us to soften the pain which we witness; and the *benevolence, generosity,* and *philanthrophy,* which make us want not only to alleviate present pain, but also to ward off future pain, and to make less unhappy the lot of the unfortunate. The first two manifestations, which consist in abstention from certain acts that are prejudicial to others are expressed usually in this formula: "Do unto others as you wish them to do unto you". And the last two, in this other formula: "Do good whenever you can." Benevolence as manifested in pity in its two negative forms naturally tends to prevent the perpetration of many crimes, which are committed just because of neglect of the first maxim above stated. It is necessary, then, to cultivate carefully this noble sentiment in the hearts of the children.

Even though the idea of justice, observes the author previously quoted, is very well developed in children or in persons in the common mass of people, it is seldom that these persons act in conformity with it when their personal interest is concerned. The child knows very well how to distinguish between what belongs to him and what does not; but he tries to take possession of all that is placed within his reach. This proves that he lacks not the conception of justice but the feeling. The important thing, therefore, is to awaken this feeling in the children, so that when they grow up to manhood, they may make it a rule of conduct not to possess themselves of that which belongs to another against the will of its owner.

Side by side with the feeling of justice, should be cultivated with special care the feeling of shame, because, besides being highly preventive of crime, it is the foundation of lofty civic virtues. It is a common observation that when a child commits some fault, we try to make him feel ashamed of having done such a thing, as if we would apeal to his honor, a fact which proves that there exists among us the general belief that shame is a human instinct handed down by heredity for generations. But examples are not lacking of persons, who, through defect of education or environment, have their sense of shame depressed. Most parents have to recur too frequently to corporal punishment or to the use of harsh words, in order to correct their children, being doubtless unaware that by such conduct, instead of teaching them, they only harden their character, and, what is

worse, make them gradualy lose the sense of shame. The result of this manner of treating children may be seen in the observations of anthropologists, which reveal the fact that the absence of the sense of shame is one of the characteristics which great criminals display.

Respect for authority, as representative of the law, is a quality necessary for the maintenance of social order, and it is a fact amply proved that without order there can be no well-being for the community.

The fulfillment of duty furthers the development of the sense of dignity, which constitutes honor in its highest sense. There are men who have the habit of leaving "vales" or "chits" in the stores, but get angry when the bill is presented to them; there are others who pretend to be rich when they borrow money, but who always find that they are poor when the time comes to pay it, especially when it has been used for things which have produced nothing beneficial. These examples, and others which might be mentioned, prove that those who fall short of their obligations are numerous, so that, as Ward says, praise is due to him who constantly fulfils his duty. The law itself, by requiring that certain contracts be recorded in a private document or in a public instrument, is a clear manifestation of the necessity of rousing men to the fulfillment of their respective duties, in order to avoid lawsuits, crimes, and other disturbances in the different orders of life.

Self-denial, in the midst of trouble, not only drives away the feeling of despair which leads to

suicide, but is the basis of the most heroic action. A self-denying man is capable of performing the most noble deeds. Moderation and prudence in our acts are virtues which fit men to act commendably in all phases of life. As Angiolini says, he who conducts himself in society with tact, acumen, and prudence, will be able to ward off the dangers arising from the man of evil purpose, by avoiding every cause that might give rise to hatred, vengeance, etc. as well as by taking diligent care of his own property.

Courtesy gains all and costs nothing. This is a truth especially applicable to our country where everything can be obtained through politeness; that is, where the manner counts for more than strength. Oftentimes good words spoken with kindness convince better than good arguments uttered with arrongant petulance.

Courtesy, politeness, right conduct are those acts which make our relations with our fellow-beings pleasant. They are the expressions of good education, and good education is just as essential to the man of high position as it is to the ordinary man as well as to every one who lives in society.

It is, therefore, necessary to teach the children to be courteous to his companions as well as to his superiors, and the best way to inculcate in them this duty is the constant example that we should give them.

In more definite terms, to foster kindness in children, we should show kindness in our actions; if we must teach them respect, let us give them examples of respect; if we wish to unfold ideas of

justice, honesty, and truth, we should utilize all the opportunities which are afforded us by every day happenings to show them unmistakable examples of these virtues.

The most sacred duty of every citizen is patriotism. This duty should be taught to the children by means of the exalted example of the great heroes of the country. Brief biographies of our heroes, noble acts of our leaders, taught to our children with directness are of the greatest value in the teaching of patriotism. With our own example we should teach the children to love what is our own, the good customs of our forefathers, the heritage of moral virtues; we should teach the children to love their homes however poor they may be, because they symbolize what they hold dearest. We should, finally, teach them to love their parents and their brothers, and respect the memory of our forefathers, to love the land of our birth, stained with the blood of our heroes, this beautiful land which God gave us for our country. Only thus—loving what is our own, what is native to the race, without thereby precluding the assimilation of the good qualities of other peoples—only thus, can we prove ourselves worthy citizens of a progressive country.

Among the causes of criminality mentioned above, the principal ones are laziness and ignorance, which bring about the vices of gambling and drinking and form bad habits, nourishing the prejudices and fanatism of the masses, which are always capable of being taken advantage of and used as an instrument by the wrongdoers. The

most important remedy for all these evils is education. It is a principle of good government and sound policy that what is spent for the instruction of the masses means economy in the police force, spies, executioners, and penitentiary establishments for the correction of criminals. Furtheremore it is of invaluable benefit to the community, for, instead of being violently deprived of its members, it keeps them in honest work and for the accumulation of national wealth, which contributes so much to the welfare of the people.

The value of thrift as a preventive measure to transgression of the law cannot be too strongly emphasized. A thrifty man succeeds, sooner or later, in seeing his family enjoying certain comforts, in attaining certain independence in his relations with others during life, and under such conditions rare is the man who, on going over his past life and pondering over the vestiges of affliction overcome, would not look beyond the immediate ordinary things that surround him.

Thrift brings to man an edifying virtue, because a person with providence and foresight saves what he would ordinarily squander in the most usual vices.

It is not a hard task to imbue a man of disorderly living with habits of thrift and economy, except at the beginning, because with admonition and sound advice, the task decreases in the degree that the weight of the combat increases, and before a considerable time has elapsed, the combat itself, singlehanded, is sufficient to give vigor and strength to the manfulness of one who only

a short time ago was accustomed to waste away and squander his own.

The Government and such institutions devoted for the purpose of encouraging thrift and savings, as the "Monte de Piedad", the "Manila Building and Loan Association," "El Hogar Filipino", "the Postal Savings Bank," etc. will do well to inaugurate annual contests giving cash prizes, or reasonably constructed dwellings, to those workmen and laborers who shall have proven that the sums saved by them, considering the circumstances in each particular case, justify and warrant that they be awarded the prizes.

APPENDIX A (1)

STATISTICAL DATA

No. I. Number of persons accused of offenses against the State during the fiscal years from 1908-09 *to* 1912-13.

Crimes	1908-09	1909-10	1910-11	1911-12	1912-13	Total	Annual Average	(a) Ratio
1. Treason	—	—	—	—	—	—	—	—
2. Rebellion	—	—	16	—	5	21	4	0.005
3. Sedition	3	84	54	38	17	196	39	.051
4. Insurrection	—	—	—	—	—	—	—	—
5. Conspiracy	—	6	3	2	8	19	4	.005
6. Violation of oath of of allegiance	—	10	—	—	—	10	2	.003
Total	3	100	73	40	30	246	49	0.064

(a) Ratio per 10,000 inhabitants.

(1) The tables in this appendix are taken from the statistics contained in the report of the Attorney-General for the years 1908 to 1913.

No. II.—Number of persons accused of crimes against public order during the fiscal years from 1908-09 *to* 1912-13

Crimes	1908-09	1909-10	1910-11	1911-12	1912-13	Total	Annual Average	(a) Ratio
1. Illegal possession of fire arms	112	128	129	134	139	642	128	0.168
2. Assault and violence against public officer	29	119	167	150	91	556	111	0.145
3. Disobedience, slander, and threats upon public authorities	6	41	50	105	77	279	56	0.073
4. Public disturbance ..	35	29	38	28	26	156	31	0.041
5. Disturbance in presence of the Assembly, Philippine Commision, etc.	1	10	—	2	—	13	3	0.004
6. Brigandage..	34	51	147	27	26	285	57	0.075
7. Vagrancy	134	107	104	125	221	691	139	0.182
Total	351	485	635	571	580	2622	525	0.688

(a) Ratio per 10,000 inhabitants.

No.III—Number of persons accused of falsification and forgery during the fiscal years from 1908-09 *to* 1912-13.

Crimes	1908-09	1909-10	1910-11	1911-12	1912-13	Total	Annual Average	(a) Ratio
1. Falsification of seals and marks, money, bank notes, etc.	9	9	18	7	4	47	9	0.012
2. Falsification of public documents	88	128	59	28	33	336	67	.088
3. Falsification of private documents	12	25	26	19	30	112	22	.029
4. Falsification of passports, cedulas and certificates	46	31	28	22	30	157	31	.041
5. False testimony and malicious prosecution	41	27	10	16	25	119	24	.031
6. Perjury..	75	86	175	125	129	590	118	.155
7. Unlawful use of the cedula	11	—	—	4	5	20	4	.005
8. Circulation of counterfeited coin.	1	—	—	—	—	1	—	—
9. Use of false document	1	—	—	—	—	1	—	—
Total.	284	306	316	221	256	1383	275	0.361

(a) Ratio per 10,000 inhabitants.

No. IV.—Registered number of public officials who committed crimes in the exercise of their duties during the fiscal years from 1908-09 *to* 1912-13.

Crimes	1908-09	1909-10	1910-11	1911-12	1912-13	Total	Annual Average	(a) Ratio
1. Prevarication..	—	9	11	4	3	27	5	0.007
2. Arbitrary detention..	—	—	—	—	1	1	—	—
3. Infidelity in the custody of prisoners ..	22	30	23	24	49	148	30	.039
4. Breech of trust in the safe-keeping of documents..	25	24	19	13	21	102	20	.026
5 Usurpation of duties.	7	17	15	12	11	62	12	.016
6. Unchaste practices ..	3	—	1	1	1	6	1	.001
7. Bribery	30	21	72	28	27	178	36	.047
8. Frauds and illegal extortion	3	25	8	5	6	47	9	.012
10. Anticipation, prolongation, and abandonment of public duties	8	3	4	4	5	24	5	.007
11. Illegal intervention in public contracts. ..	—	2	—	2	1	5	1	.001
Total.	160	190	209	228	201	988	197	0.258

(a) Ratio per 10,000 inhabitants.

No. V.—Number of persons accused of crimes against the person during the fiscal years from 1908-09 *to* 1912-13.

Crimes	1908-09	1909-10	1910-11	1911-12	1912-13	Total	Annual Average	(a) Ratio
1. Parricide	40	52	49	59	48	248	52	0.068
2. Murder	334	433	462	507	441	2177	435	.570
3. Homicide	230	293	390	381	427	1721	344	.451
4. Infanticide	13	4	12	8	—	37	7	.009
5. Abortion.	8	4	10	2	6	30	6	.008
6. Physical injuries.. ..	771	741	1001	944	857	4314	863	1.130
7. Assault and battery..	61	30	98	160	126	475	95	.124
8. Illegal extortion	9	—	7	—	—	16	3	.003
9. Prize fights.	11	—	—	—	—	11	2	.003
Total	1477	1557	2029	2061	1905	9029	1806	2.367

(a) Ratio per 10,000 inhabitants.

No. VI.—Number of persons accused of crimes against public morals during the fiscal years from 1908-09 *to* 1912-13.

Crimes	1908-09	1909-10	1910-11	1911-12	1912-13	Total	Annual Average	(a) Ratio
1. Adultery	314	370	383	445	486	1998	400	0.525
2. Concubinage	—	12	28	77	94	211	12	.055
3. Rape and unchaste practices..	237	359	323	379	401	1699	340	.445
4. Abduction	160	146	195	215	243	959	192	.251
5. Seduction and corruption of minors	67	90	116	187	155	615	123	.161
6. Crimes of public scandal	28	11	33	23	22	117	23	.030
7. Exhibition of obscene matters	—	2	2	1	—	5	1	.001
Total.	806	990	1080	1327	1401	5604	1191	1.468

No. VII.—Number of persons accused of offenses against reputation during the fiscal years from 1908-09 *to* 1912-13.

Crimes	1908-09	1909-10	1910-11	1911-12	1912-13	Total	Annual Average	(a) Ratio
1. Calumny	28	37	22	39	33	159	32	0.042
2. Slander	132	173	165	248	256	974	195	.255
3. Libel..	15	40	34	39	72	200	40	.052
Total	175	250	221	326	361	1333	267	0.349

(a) Ratio per 10,000 inhabitants.

No. VIII.—Number of persons accused of crimes against property during the fiscal years from 1908-09 *to* 1912-13.

Crimes	1908-09	1909-10	1910-11	1911-12	1912-13	Total	Annual Average	(a) Ratio
1. Robbery	689	743	822	979	1119	4352	870	1.139
2. Theft	810	1056	1177	1526	1480	6049	1210	1.585
3. Swindling..	345	359	446	639	752	2541	510	.668
4. Usurpation	14	24	31	24	31	124	25	.033
5. Arson	25	71	107	138	97	438	88	.115
6. Damages..	78	125	180	289	239	911	182	.238
7. Unlawful fishing.. ..	5	2	7	13	25	52	10	.013
8. Unlawful hunting. ..	—	1	—	—	1	2	—	—
9. Fraudulent use of trade marks, etc...	2	2	6	2	—	12	2	.003
Total	1968	2383	2776	3610	3744	14481	2898	3.795

(a) Ratio per 10,000 inhabitants.

No. IX.—Number of persons accused of crimes against personal liberty and security during the fiscal years from 1908-09 *to* 1912-13.

Crimes	1908-09	1909-10	1910-11	1911-12	1912-13	Total	Annual Average	(a) Ratio
1. Unlawful detention ..	80	69	67	50	50	316	63	0.082
2. Abduction of minors ..	12	12	18	12	11	65	13	.017
3. Abandonment and neglect of children.. ..	3	4	—	2	—	9	2	.003
4. Forcible entry of dwelling	105	170	170	224	221	890	178	.233
5. Threats and coercion .	127	157	214	334	231	1063	213	.279
6. Revelation of secrets.	5	2	—	6	2	15	3	.004
Total	332	414	469	628	515	2358	472	0.618

(a) Ratio per 10,000 inhabitants.

No. X.—Numbtr of persons accused of crimes during the fiscal years from 1908-09 *to* 1912-13.

Crimes	1908-09	1909-10	1910-11	1911-12	1912-13	Total	Annual Average	(a) Ratio
1. Against the person	1477	1557	2029	2071	1905	9039	1808	2.367
2. Against public morals.	806	990	1080	1327	1401	5604	1121	1.468
3. Against property..	1977	2383	2776	3610	3744	14490	2898	3.795
4. Miscellaneous crimes.	4981	6029	5482	5049	7709	29250	5850	7.662
Total..	9241	10959	11367	12057	14759	58383	11675	15.292

No. XI.—General classification of persons accused in the different Courts of First Instance of the Philippines, according to their conjugal condition, during the fiscal years from 1908-09 *to* 1912-13.

Years	Married	Single	Widowers	Without records	Total
1908-09	2,058	1,341	216	5,626	9,241
1909-10	3,755	2,536	517	4,151	10,959
1910-11	4,601	2,760	637	3,369	11,367
1911-12	6,805	3,571	762	919	12,057
1912-13	8,728	4,238	990	803	14,759
Total...	25,947	14,446	3,122	14,868	58,383
Annual Avtrage	5,189	2,889	624	2,974	11,677
Ratio per 100 persons accused	44	25	5	26	100

(a) Ratio per 10,000 inhabitants.

No. XII.—Nationality of persons accused in the Courts of Firt Instance during the fiscal years from 1908-09 *to* 1912-13

Countries	1908-09	1909-10	1910-11	1911-12	1912-13	Total	Annual Average
Philippines ..	7,734	9,336	10,456	11,173	12,929	51,628	10,326
United States	89	88	78	43	164	462	92
China	1,367	1,482	803	822	1,583	6,057	1,211
Spain	9	12	10	8	41	80	16
Japan	8	8	7	—	12	35	7
Turkey.	—	4	1	—	6	11	2
Great Britain.	21	4	—	1	6	32	6
India	2	1	9	2	10	24	5
Portugal	—	1	2	—	—	3	1
France.	2	1	—	—	4	7	1
Germany	—	—	—	—	2	2	—
Other Countries	9	22	1	8	2	42	8
Total.....	9,241	10,959	11,367	12,057	14,759	58,383	11,677

No. XIII.—Clasification of persons accused in criminal cases decided by the Supreme Court of the Philippine Islands, according to the decision rendered, during the fiscal years from 1908-09 *to* 1912-13.

Crimes	1908-09	1909-10	1910-11	1911-12	1912-13	Total	Annual Average	(a) Ratio
Affirmed	210	204	298	155	501	1368	274	42.68
Increased	86	72	45	71	104	378	76	11.84
Reduced.	93	66	115	92	104	470	94	14.64
Reversed	80	56	110	125	111	482	96	14.95
By pardon of the injured party..	2	—	2	2	1	7	1	.15
By death	9	3	2	6	10	30	6	.94
By pardon	—	—	—	—	—	—	—	—
By withdrawal of appeal by fiscal..	20	—	12	3	9	44	9	1.40
By withdrawal of appeal by accused	42	55	63	64	95	319	64	9.97
Failure to appear	7	17	6	21	35	86	17	2.65
Plea of double jeopardy	—	—	—	—	—	—	—	—
New Trial	7	10	4	3	1	25	5	.78
Total	556	483	657	542	971	3209	642	100.00

(a) Ratio per 100 persons accused.

No. XIV.—Classification of cases registered in the different Courts of First Instance of the Philippines, according to the crimes committed, during the fiscal years from 1908-09 *to* 1912-13.

Crimes	1908-09	1909-10	1910-11	1911-12	1912-13	Total	Annual Average	(a) Ratio
Against the persons:								
Parricide	42	41	49	61	49	242	48	0.06
Murder	177	227	283	300	264	1251	250	.33
Homicide	158	209	296	293	300	1256	251	.33
Infanticide..	13	2	6	8	—	29	6	.01
Abortion	8	2	8	2	6	26	5	.01
Physical injuries..	442	587	700	730	703	3162	632	.83
Assanult and battery ..	109	18	133	133	90	483	97	.12
Total	949	1086	1475	1527	1412	6449	1290	1.69
Against public morals:								
Adultery	159	180	206	224	251	1020	204	0.27
Concubinage	—	6	25	41	49	121	24	.03
Rape and unchaste practices	155	312	290	365	378	1500	300	.39
Abduction	99	102	160	159	168	688	138	.18
Seduction and corruption of minors	64	82	113	177	142	578	116	.15
Crimes of public scandal	5	6	4	16	11	42	8	.01
Total	482	688	798	982	999	3949	790	1.03
Against Property:								
Robbery	263	329	405	481	495	1973	395	0.52
Theft	533	684	836	1016	981	4049	810	1.06

(a) See p. 129.

								(a)
Swindling	287	304	435	591	678	2295	459	.60
Usurpation	5	20	13	17	18	73	15	.02
Brigandage	24	12	61	8	10	115	23	.03
Arson	19	48	71	99	73	310	62	.08
Damages	55	81	132	164	140	572	114	.15
Total.	1186	1477	1953	2376	2395	9387	1877	2.46
Miscellaneous Crimes. ..	4046	4164	3980	3884	4789	20863	4173	5.47

(a) Ratio per 100 persons accused.

No. XV.—General classification of cases registered in the different Courts of First Instance of the Philippines, according to the crime committed, during the fiscal years from 1908-09 *to* 1912-13.

Crimes	1908-09	1909-10	1910-11	1911-12	1912-13	Total	Annual Average	(b) Ratio
Against the persons. ..	949	1086	1475	1527	1412	6449	1290	1.69
Against public morals ..	482	688	798	982	999	3949	790	1.03
Against property.	1186	1477	1953	2376	2395	9387	1877	2.46
Miscellaneous crimes. ..	4046	4164	3980	3884	4789	20863	4173	5.47
Total..	6663	7415	8206	8769	9595	40648	8130	10.65

(b) Ratio per 10,000 inhabitants.

No. XVI.—General classification of persons accused, according to their sentence, during the fiscal years from 1908-09 *to* 1912-13.

Sentences	1908-09	1909-10	1910-11	1911-12	1912-13	Total	Annual Average	(a) Ratio
Convicted	4490	5082	4964	4536	5296	24368	4874	42
Acquitted.	1182	1254	1265	1453	1236	6390	1278	11
Dismissed	2216	2580	3187	3065	4000	15048	3010	26
Persons accused in cases pending at the end of the fiscal year	1353	2043	1951	3003	4227	12577	2515	21
Total	9241	10959	11367	12057	14759	58383	11677	100

(a) Ratio per 100 person accused.

No. XVII.—Classification of accused found guilty by the different Courts of First Instance of the Philippines, according to their sentence during the fiscal years from 1908-09 *to* 1912-13.

Sentences	1908-09	1909-10	1910-11	1911-12	1912-13	Total	Annual Average	(a) Ratio
Fine only	1765	1513	1422	1233	1802	7735	1547	32
To 2 years' imprisonment	1981	2378	2383	2251	2500	11493	2299	47
From 2 to 10 years' Imprisonment	426	476	484	595	500	2481	496	10
From 11 to 20 years' Imprisonment	163	165	225	223	183	959	192	4
From 21 to 30 years' Imprisonment	10	6	3	1	12	32	6	—
Life imprisonment	59	51	66	61	80	317	63	1
Capital punishment	38	32	45	33	14	162	32	1
All other sentences.. ..	48	416	336	139	205	1144	238	5
Total	4490	5037	4964	4536	5296	24323	4873	100

(a) Ratio per 100 persons convicted.

No. XVIII.—General classification of persons accused in the different Courts of First Instance of the Philippines, according to their age, during the fiscal years from 1908-09 *to* 1912-13.

Years	From 9 to 15 years	From 15 to 20 years	From 20 to 30 years	From 30 to 40 years	Over 40 years	Without records	Total
1908-09..	25	270	1281	1521	752	5392	9241
1909-10..	59	475	2497	2348	1465	4115	10959
1910-11..	91	787	2858	2692	1711	3228	11367
1911-12..	81	988	4850	3511	1673	954	12057
1912-13..	100	1019	5318	4753	2784	785	14759
Total .	356	3539	16804	14825	8385	14474	58383
Annual average	71	708	3361	2965	1677	2895	11677
Ratio per 100 persons accused ..	1	6	29	25	14	25	100

No. XIX.—General classification of persons accused, according to their sex during the fiscal years from 1908-09 *to* 1912-13.

Sex	1908-09	1909-10	1910-11	1911-12	1912-13	Total	Annual Average	(a) Ratio
Male	8446	10070	10402	10877	13464	63259	91	10652
Female	795	889	965	1180	1295	5124	9	1025
Total..	9241	10959	11367	12057	14759	58383	100	11677

(a) Ratio per 100 persons accused.

No. XX.—General classification of persons accused in the different Courts of First Instance of the Philippines, according to their instruction, during the fiscal years from 1908-09 *to* 1912-13.

Years	University education	College education	Public school education	Private school education	Illiterate	Without records	Total
1908-09..	21	117	947	426	1,786	5,944	9,241
1909-10..	26	274	2,015	771	3,048	4,825	10,959
1910-11..	34	307	2,172	957	3,908	3,989	11,367
1911-12..	40	339	2,660	2,070	6,369	579	12,057
1912-13..	48	507	4,100	2,968	6,449	687	14,759
Total..	169	1,544	11,894	7,192	21,560	16,024	58,383
Annual average	34	309	2,379	1,438	4,312	3,205	11,677
Ratio per 100 persons accused ..	—	3	20	12	37	28	100

No. XXI.—Number of criminal cases filed in the Courts of First Instance.

Years	Criminal Cases Filed
1870	4,114
1871	4,034
1872	4,199
1873	4,665
1874	4,272
Total	21,284
Average	4,257
Ratio (a)	7.88
1875	4,314
1876	5,082
1877	4,518
1878	5,125
1879	5,260
Total	24.299
Average	4,860
Ratio (a)	8.83
1883	4,376
1884	5,412
1885	5,170
1886	3,781
1887	2,256
Total	20,995
Average	4,199
Ratio (a)	7.63

(a) Ratio per 10,000 inhabitants.

1903-4	6,555
1904-5	5,378
1905-6	4,328
1906-7	3,899
1907-8	5,190
Total	25,350
Average	5,070
Ratio (a)	6.64

No. XXII.—Quinquennial group of the most common crimes.

	1903-4	1904-5	1905-6	1906-7	1907-8	Total	Average	(a) Ratio
Persons accused of crimes against:								
The person	1540	1165	1141	1111	1175	6132	1226	1.66
The property	3045	2064	1892	1692	1803	10496	2099	2.73
Public morals	616	650	548	442	577	2833	566	.74
Total number of accused including the above	10863	7910	6090	5584	6346	36793	7359	9.63

(a) Ratio per 10,000 inhabitants.

N. B.—The statistics published during the Spanish regime only state the number of criminal cases disposed of by the courts, and the number of persons accused is not furnished, whereas the figures given for the quinquennial period corresponding to the present regime refer exclusively to the number of persons accused of crimes.

No. XXIII.—Quinquennial group of the most common crimes.

The following figures were taken from the statistics published by the "Real Audiencia de Manila".

	1870	1871	1872	1873	1874	Total	Aver-age	(a) Ratio
Crimes against:								
The person	965	961	978	1130	1071	5105	1021	1.89
The property	2006	1876	2049	2043	2039	10013	2002	3.70
Public morals	148	150	91	179	177	745	149	.27
Total number of criminal cases including the above	4114	4034	4199	4665	4272	21284	4257	7.88

	1875	1876	1877	1878	1879	Total	Aver-age	(a) Ratio
Crimes against:								
The person	960	1284	1040	1024	1076	5384	1076	1.95
The property.	2188	2001	1997	2305	2370	10861	2172	3.94
Public morals	172	266	170	156	151	915	183	.33
Total number of criminal cases including the above	4314	5082	4518	5125	5260	24299	4860	8.83

	1883	1884	1885	1886	1887	Total	Aver-age	(a) Ratio
Crimes against:								
The person	826	1103	1035	650	388	4002	800	1.45
The property.	1952	231	236	1811	1177	5407	1081	1.78
Public morals	182	2471	2394	144	79	5270	1054	1.92
Total number of criminal cases including the above	4376	5412	5170	3781	2256	20995	4199	7.63

(a) Ratio per 10,000 inhabitants.

No. XXIV.—Number of persons accused of different crimes in the Courts of First Instance of the Philippines.

Years	Accused
1870 (a)	7,223
1871	6,107
1872	6,390
1873	6,848
1874	6,989
Total	33,557
Average	6,711
Ratio (b)	12.42
1875	6,162
1876	8,199
1877	7,224
1878	7,933
1879	8,384
Total	37,902
Average	7,580
Ratio (b)	13.77
1883	6,769
1884	7,632
1885	8,115
1886	7,176
1887	4,711
Total	34,403
Average	6,880
Ratio (b)	12.50

(a) Calcudar year.
(b) Ratio per 10,000 inhabitants.

1903-4 (a)	10,863
1904-5	7,910
1905-6	6,090
1906-7	5,584
1907-8	6,346
Total..	36,793
Average	7,359
Ratio. (b)	9.63

(a) Fiscal year
(b) Ratio per 10,000 inhabitants.

No. XXV.—General classification of persons accused according to their sentence.

Year	Number of accused	Convicted	Acquitted	Dismissed
1870	7,223	2,954	4,046	223
1871	6,107	2,682	3,227	198
1872	6,390	2,281	3,564	545
1873	6,848	3,303	3,342	203
1874	6,989	2,794	3,152	1,043
Total. ..	33,557	14,014	17,331	2,212
Average	6,711	2,803	3,466	442
Ratio (c)	—	42%	52%	6%
Ratio (d)	12.42	—	—	—
Ratio (e)	—	5.19	—	—

(c) Ratio of convicted, acquitted, and dismissed per 100 accused.
(d) Ratio of accused per 10,000 inhabitants.
(e) Ratio of convicts per 10,000 inhabitants.

1875	6,162	2,681	3,031	450
1876	8,199	3,617	3,945	637
1877	7,224	3,426	3,230	568
1878	7,933	3,975	3,179	779
1879	8,384	3,549	3,690	1,145
Total.. ..	37,902	17,248	17,075	3,570
Average	7,580	3,450	3,415	716
Ratio (a)	—	46%	45%	9%
Ratio (b)	13.77	—	—	—
Ratio (c)	—	6.27	—	—
1883	6,769	3,088	2,038	1,643
1884	7,632	2,869	3,790	973
8885	8,115	3,060	3,702	1,353
1886	7,176	2,669	2,901	1,606
1887	4,711	1,901	2,223	587
Total. ..	34,403	13,587	14,654	6,162
Average	6,880	2,717	2,931	1,232
Ratio (a)	—	39%	43%	18%
Ratio (b)	12.50	—	—	—
Ratio (c)	—	4.94	—	—
1903-4	10,863	3,656	1,771	5,436
1904-5	7,903	3,297	1,176	3,430
1905-6	6,079	2,581	1,035	2,463
1906-7	5,581	2,542	1,172	1,867
1907-8	6,226	2,846	1,036	2,344
Total. ..	36,652	14,922	6,190	15,540
Average .	7,330	2,980	1,238	3,108
Ratio (a)	—	41%	17%	42%
Ratio (b)	9.60	—	—	—
Ratio (c)	—	3.90	—	—

(a) Ratio of convicted, acquitted, and dismissed per 100 accused.
(b) Ratio of accused per 10,000 inhabitants.
(c) Ratio of convicts per 10,000 inhabitants.

No. XXVI.—General classification of persons accused in the different Courts of First Instance of the Philippines, by reason of relapse, during the fiscal years from 1908-09 *to* 1912-13.

Years	Two times	Three times	Four times	Over four times
1908-09	36	15	4	—
1909-10	107	19	1	—
1910-11	115	23	9	—
1911-12	151	47	27	18
1912-13	315	195	55	30
Total	724	299	96	48
Annual average. ..	145	60	19	10
Ratio per 100 accused relapsed.	62	26	8	4

No. XXVII.—Classification of juvenile offenders received in the "Hospicio de San Jose" by reason of their sex, during the fiscal years from 1908-09 *to* 1912-13.

Years	Males	Females	Total
1908-09	75	24	99
1909-10	93	10	103
1910-11	138	16	154
1911-12	196	23	219
1912-13	155	31	186
Total	657	104	761
Annual average	131	21	152
Ratio per 100 juvenile offenders	86	14	100

No. XXVIII.—Crimes committed by juvenile offenders during the fiscal years from 1908-09 *to* 1912-13.

Crimes	1908-09	1909-10	1910-11	1911-12	1912-13	Total	Annual Average
Murder	—	1	—	2	—	3	1
Homicide	1	1	—	3	1	6	1
Physical injuries	—	3	—	2	1	6	1
Assault and battery	2	—	—	—	—	2	—
Adultery	1	1	1	1	—	4	1
Rape	1	3	1	3	—	8	2
Unchaste practices	—	—	—	—	2	2	—
Corruption of minors	—	—	—	1	—	1	—
Robbery	—	—	3	20	2	25	5
Theft	56	70	80	98	90	394	79
Swindling	3	5	7	14	7	36	7
Arson	—	—	—	1	1	2	—
Calumny	—	—	—	1	—	1	—
Illegal marriage	—	—	—	1	1	2	—
Falsification of Public documents	1	—	—	—	—	1	—
Illegal possession of firearms	—	—	—	1	—	1	—
Beggary	5	—	—	—	—	5	1
Misconduct	—	1	—	—	—	1	—
Vagrancy	14	3	5	28	49	99	20
Violation of Health Ordinances	2	—	—	—	—	2	—
Violation of Municipal Ordinances	9	15	55	42	27	148	30
Violation of Opium Law	3	—	1	1	2	7	1
Unknown	1	—	1	—	3	5	1
Total	99	103	154	219	186	761	150

No. XXIX.—Provinces or countries of origin of juvenile offenders committed to "Hospicio de San Jose" during the fiscal years from 1908-09 *to* 1912-13.

Provinces or Countries	1908 1909	1909 1910	1910 1911	1911 1912	1912 1913	Total	Annual Average
British Columbia	—	—	—	—	1	1	—
China	3	—	—	6	4	13	3
Spain	—	—	—	1	—	1	—
Albay	2	2	1	2	1	8	2
Ambos Camarines	3	—	—	7	6	18	3
Antique	1	—	—	—	1	2	—
Bataan	1	2	3	1	4	11	2
Batangas	7	3	6	14	7	37	7
Bulacan	17	13	15	13	14	72	14
Cagayan	—	2	—	—	—	2	—
Capiz	1	6	8	19	14	48	10
Cavite	1	5	3	7	8	24	5
Cebu	1	1	3	13	9	27	5
Ilocos Norte	—	2	4	7	1	14	3
Ilocos Sur	2	—	1	2	6	11	2
Iloilo	8	6	8	12	5	39	8
Isabela	—	—	—	1	—	1	—
Laguna	4	—	—	4	2	10	2
La Unión	1	1	5	4	—	11	2
Leyte	2	1	2	8	4	17	3
Manila	24	22	55	33	41	175	35
Masbate	—	—	1	—	—	1	—
Mindoro	—	—	1	1	—	2	—
Misamis	—	—	—	2	—	2	—
Moro Province	—	—	1	3	—	4	1
Mountain Province	—	—	—	2	—	2	—
Negros Occidental	—	—	—	3	2	5	1
Negros Oriental	—	—	—	1	—	1	—
Nueva Ecija	—	1	2	9	1	13	3
Palawan	—	—	—	1	—	1	—
Pampanga	14	15	11	19	20	79	16
Pangasinan	—	3	10	4	5	22	4

Rizal	6	7	5	8	15	41	8
Romblon	1	1	3	2	3	10	2
Samar	1	2	1	1	1	6	1
Sorsogon	1	1	2	4	—	8	2
Surigao	—	—	—	—	1	1	—
Tarlac	—	2	—	1	2	5	1
Tayabas	—	1	3	4	8	16	3
Zambales	2	—	—	—	—	2	—
Total	103	99	154	219	186	763	148

No. XXX.—General classification of persons accused of violation of the laws, of the Philippine Commission and of the Philippine Legislature in the justice of the peace courts of the Philippines, according to their age during the fiscal years from 1909-10 *to* 1912-13.

Age	Male	Female	Total
Up to 15 years	419	47	466
From 15 to 25 years	24,509	674	25,183
From 25 to 40 years	75,825	1,659	77,484
Over 40 years	29,525	662	30,187
Total	130,278	3,042	133,320
Annual average:			
Up to 15 years	105	12	117
From 15 to 25 years	6,127	169	6,296
From 25 years.. to 40	18,956	415	19,371
Over 40 years..	7,381	165	7,546
Total	32,569	761	33,330
Ratio per 100 persons accused:			
Up to 15 years	.31	.04	.35
From 15 to 25 years	18.38	.51	18.89

From 25 to 40 years..	56.87	1.25	58.12
Over 40 years	22.15	.49	22.64
Total..	97.71	2.29	100.00

No. XXXI.—General classification of persons accused of violation of the Penal Code in the justice of the peace courts, according to their age, during the fiscal years from 1909-10 *to* 1912-13.

Age.	Male	Female	Total
Up to 15 years	3,199	867	4,066
From 15 to 25 years	32,495	8,673	41,168
From 25 to 40 years	77,749	14,497	92,246
Over 40 years	31,477	5,619	37,096
Total	144,920	29,656	174,576
Annual average:			
Up to 15 years	800	217	1,017
From 15 to 25 years	8,124	2,168	10,292
From 25 to 40 years	19,437	3,624	23,061
Over 40 years	7,869	1,405	9,274
Total	36,230	7,414	43,644
Ratio per 100 persons accused:			
Up to 15 years	1.83	.50	2.33
From 15 to 25 years	18.61	4.97	23.58
From 25 to 40 years	44.54	8.30	52.84
Over 40 years	18.03	3.22	21.25
Total	83.01	16.99	100.00

No. XXXII.—General classification of persons accused of violation of municipal ordinances in the justice of the peace courts of the Philippines, according to the judgment rendered, during the fiscal years from 1909-10 *to* 1912-13.

Judgment	Male	Female	Total
Conviction	94,645	23,267	117,912
Acquittal	16,439	2,771	20,210
Dismissal	9,541	1,570	11,111
Total	120,625	27,607	149,233
Annual average:			
Conviction	23,661	5,817	29,478
Acquittal	4,110	943	5,053
Dismissal	2,385	392	2,777
Total	30,156	7,152	37,308
Ratio per 100 defendants tried:			
Conviction	63.42	15.59	79.01
Acquittal	11.02	2.53	13.55
Dismissal	6.39	1.05	7.44
Total	80.83	19.17	100.00

No. XXXIII.—General classification of persons convicted and committed by the justice of the peace courts of the Philippines to municipal jails for execution of sentence, according to the laws violated during the fiscal years from 1909-10 *to* 1912-13.

Laws violated	Male	Female	Total
For violation of the Penal Code	32,999	4,629	37,628
For violation of the laws of the Philippine Commission and of the Philippine Legislature	68,437	288	68,725
For violation of municipal ordinances	36,173	7,460	43,633
Total	137,609	12,377	149,986
Annual average:			
For violation of the Penal Code	8,250	1,157	9,407
For violation of the laws of the Philippine Commission and of the Philippine Legislature	17,109	72	17,181
For violation of municipal ordinances	9,043	1,865	10,908
Total	34,402	3,094	37,496
Ratio per 100 defendants convicted:			
For violation of the Penal Code...	88	12	100
For violation of the laws of the Philippine Commission and of the Philippine Legislature	100	—	100
For violation of municipal ordinances	83	17	100
Average	90	10	100

No. XXXIV.—Misdemeanors and violations of Manila city ordinances during the fiscal years from 1908-09 *to* 1912-13.

	1908-09	1909-10	1910-11	1911-12	1912-13	Total	Annual Average
Cases filed	6484	10562	13835	16088	22977	69946	13985
Defendants tried..	10399	14631	17780	20334	27040	90184	18017
Defendants fined..	7167	9147	9539	9438	11605	46896	9379
Defendants imprisoned ..	1296	1759	1840	2217	4388	11500	2300
Males tried	8421	12158	15489	17014	22620	75702	15140
Females tried	1978	2473	2291	3220	4420	14382	2878
Filipinos tried	8372	12674	15643	17079	24126	77894	15579
Chinamen tried	1668	1503	1653	2504	2214	9542	1908
Americans tried	263	336	351	446	457	1853	371
Other nationalities	96	118	133	205	243	795	159
Defendants acquitted and dismissed	1572	1895	2067	3507	8589	17630	3526
Minors committed to Hospicio de San José	78	78	140	168	151	615	123
Defendants who filed appeal to Court of First Instance	170	264	214	603	431	1682	336

No. XXXV.—Comparative table of murders and homicides registered in the United States and in the Philippine Islands during the fiscal year 1903-4

Country	Murders and homicides	Ratio (a)
United States	8,482	1.04
Philippine Islands.	479	.62

The figures for the United States were taken from The Annals of the American Academy of Political and Social Science for May, 1907, p. 162.

No. XXXVI.—Comparative table of prisoners in the United States and in the Philippines on June 30, 1904.

Country	Prisoners	Ratio (a)
United States	81,772	10.09
Philippines	4,318	6.65

The above figures for the United States were taken from the special report on "Prisoners and Juvenile Delinquents in Institutions: 1904," by the Census Office of the Department of the Interior of the United States Government, p. 14.

No. XXXVII.—Comparative table of crimes against persons committed in Spain and in the Philippines.

Country	1906-7	1907-8	1908-9	Total	Average	Ratio (a)
Spain.	23,612	21,346	22,036	66,994	22,331	11.75
Philippines . ..	705	818	949	2,472	824	1.03

(a) Ratio per 10,000 inhabitants.

No. XXXVIII.—Comparative table of crimes against property committed in Spain and in the Philippines.

Country	1906 7	1907-8	1908 9	Total	Average	Ratio (a)
Spain.	34,412	31,273	31,174	96,859	32,286	16.99
Philippines . ..	1,153	1,278	1,186	3,557	1,186	1.48

No. XXXIX.—Comparative table of crimes against public morals committed in Spain and in the Philippines.

Country	1906-7	1907-8	1908 9	Total	Average	Ratio (a)
Spain.	1,432	1,707	1,678	4,817	1,606	0.84
Philippines . ..	256	429	482	1,167	389	.48

The figures for Spain were taken from the Yearly Reports of the Attorney-General for the Supreme Court of Spain.

No. XL.—Comparative table of cases registered in the courts of Japan and in the Philippines.

Country	1903-4	1904-5	Total	Average	Ratio (a)
Japan	73,409	57,393	130,802	65,401	13.08
Philippines	4,799	4,602	9,401	4,700	5.87

(a) Ratio per 10,000 inhabitants.

No. XLI.—Comparative table of persons accused of crimes in Japan and in the Philippines.

Country	1903-4	1904-5	Total	Average	Ratio (a)
Japan	94,222	71,350	165,572	82,786	16.55
Philippines.	10,863	7,903	18,766	9,383	11.73

No. XLII.—Comparative table of persons convicted of crimes in Japan and in the Philippines.

Country	1903-4	1904-5	Total	Average	Ratio (a)
Japan	88,436	67,553	155,989	77,994	15.60
Philippines..	3,656	3,297	6,953	3,476	4.34

(a) Ratio per 10,000 inhabitants.

The figures for Japan were taken from the "Japan Year Book" for 1908-9, pp. 318, 320.

APPENDIX B

JUSTICE AND THE WITNESSES (1)

Under the accusatorial system upon which our criminal procedure is based, the trial is a struggle bettwen two parties, in which each tries to make use of legal means in order to secure a decision in its favor. The prosecutor endeavors to demonstrate to the judge the truth of the facts alleged and the guilt of the accused, while the accused or his attorney endeavors to convince the judge of the baselessness of the accusation and repeals the attacks of the accuser, for which purpose he cross-examines the witnesses for the prosecution causing them to contradict themselves in order to impeach their credibility in the opinion of the judge, subsequently presenting testimony in his favor. Unlike the inquisitorial system where secrecy during the investigation prevailed, the accused in the accusatorial system finds the prosecutor, face to face, from the outset of the case and is entitled to hear the testimony of the witnesses for the prosecution.

Inasmush as the principal weapons used in these judicial struggles are the witnesses, it was necessary for the State to enact rules for their appearance at the trial, their competency to testify, the admissibility of their testimony, as well

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(1) Lecture delivered before the Philippine Bar Association at its annual meeting of 1919. Published in the Philippine Law Review, April, 1919.

as their credibility. As regards the prosecutor, his right to summon witnesses is impliedly recognized by the law that makes it his duty to prove the accusation. To deny him that right would be tantamount to depriving him of the means of demonstrating the truth of his imputations; it would make the prosecution and the repression of crime impossible and therefore public order and security would be at the mercy of criminals. On the other hand, the defendant has a constitutional right to compel the attendance of witnesses in his favor, a right which is expressly recognized by law because it justly presumes that every citizen is good, honest, and law abiding until the contrary is proven.

If the prosecutor and the defendant have the right to summon their witnesses, it would appear as a necessary sequence that it is a duty of the citizen to appear in court in order to testify in criminal cases, because it is a juridical principle that a right cannot exist without a corresponding duty. On the order hand, the courts have the power to summon witnesses necessary in criminal cases and to punish persons disobeying their orders for contempt of court. There is no doubt, therefore, that the citizens are under obligation to cooperate with the Government in the prosecution of crime as a necessary means for the maintenance of public order and security, without which society could not exist.

There is something, however, for which our present legislation makes no provision, and to which I desire to invite your attention. This is

the payment of traveling expenses to witnesses who live far from the place where the trial is held. In the beginning, these expenses were held to be a part of the costs assessed against the accused upon conviction, or to be collected from the party in whose interest the witnesses have been summoned. In the United States, in general, it is required that upon summoning the witness he be paid or offered his mileage and per diem for his appearance in court, but witnesses summoned by Federal Courts are compelled to appear if they have any means, regardless of whether the mileage has been paid or not, and it has been even held that in criminal cases a witness, whether for the defence or for the prosecution is compelled to answer the summons without the payment or offer of mileage.

Is it not more equitable and more conducive to the end of justice to grant to witnesses residing outside of the place where the courts are established at least the payment of the traveling expenses for going and returning? Considering the deficient means of communication in many provinces, the great distance separating the *pueblos*, and the poverty of many witnesses, would it not be reasonable to pay them their traveling expenses, thus removing one of the serious difficulties often encountered by the fiscal in the performance of his delicate mission of prosecuting the violators of the law? After all, the payment of their expenses, which at first sight may seem to be costly, means at least a saving of the traveling expenses and per diems of other Govern-

ment agents sent to distant places to get witnesses or make more or less useful investigations, and of the expense of the future trials, because it must not be forgotten that a crime which remains unpunished on account of the lack of witnesses, is an evil which spreads like a drop of oil, insensibly but constantly.

I must make mention of a very significant fact, namely, that according to the data compiled by the Attorney General's Office, 8,898 were summoned as witnesses in criminal cases in the fiscal year 1907 to 1908, of whom only 6,239 appeared; ending the fiscal year 1908 to 1909, 11,167 witnesses were summoned and only 7,496 appeared. In fact non-appearance of so many witnesses may be attributed to various causes, but I believe that all those who are familiar with local conditions will agree with me that the principal cause consists in the lack of means on the part of the witnesses. And it is needless to say that the non-appearance of witnesses is prejudicial to the proper administration of justice, because if the fiscal's witnesses fail to appear after having been summoned the second or third time, the court generally dismisses the case for the reason that the accused is entitled to a speedy and public trial.

I wish to call your special attention to the deficient means of communication existing in some provinces, and the lack of means of many witnesses who cannot attend to judicial summons at their own expense. The courts find themselves at times in the extreme of ordering the arrest of

poor witnesses so that they may come to the capital of the province at the expense of the Government. The legality of such a procedure may be subject to discussion within the principle of Procedural Law, but under such special circumstances, with witnesses absolutely without money to defray their traveling expenses on one part; and on the other, without any amount appropriated by law for such an important service, the court necessarily finds itself in this alternative: to dictate before hand an order of arrest as a means of compelling the appearance of a witness, or to order afterwards his imprisonment, for noncompliance with a summons. And when a solution becomes necessary, is not the first more equitable inasmuch as both of them will give the same result to the supposed witness?

We could easily see the effect that can be produced in the mind of a witness by the consideration that he can be obliged to make two or three trips from his residence to the capital of the province, not including the number of times that he has been or can be summoned to testify before the justice of the peace during the preliminary investigation, all at his own expense. Under such circumstances, the witness often times prefers to declare that he does not know anything of the case under investigation. For example, a fight takes place in a street within the town; various persons grouped around witnessed undoubtedly the fight; one of the combatants is seriously wounded, dying after a few days. How many of the eyewitnesses would present themselves to tes-

tify in favor of the complainant? Very few; three, two, or perhaps only one, a friend or a parent of the offended party. Many a time, in spite of the efforts of the police, there is no way of locating a witness. A fiscal has even suggested that it would be convenient to arrest the witness at the same time as the accused for there were cases of eyewitnesses who abstained themselves from testifying; some for fear of incurring responsibility, others, for fear of revenge from the accused or his relatives; others, because of pity towards the accused, and, lastly, others to avoid annoyance and travelling expenses from his home town to the place where the court is located.

Is there no means of bettering this condition so that all citizens might cooperate efficiently in the proper and prompt administration of justice so necessary for the welfare of the community? Undoubtedly, there is: teaching the people their civic duties and giving them necessary means for their accomplishment. For the former, it is necessary that lawyers should, whatever opportunity they may have in the practice of their profession, impress in the minds of the citizens the idea that it is a civic duty to testify in criminal cases, a duty of public interest that should be complied with above any other duties of personal nature. And for the latter, it is essential that the State should provide means to poor citizens to enable them to attend judicial summons. Should the Philippine Bar Association, which has shown so many proofs of its zeal for the proper administration of

justice, overlook this opportunity of requesting the Philippine Legislature the passage of a law providing for the payment of traveling expenses for witnesses in criminal cases?

As it has been said, the duty to testify in criminal cases is general. It comprises all persons who, being able to perceive through their sense organs, are able to communicate to others their perceptions. To perceive, in the meaning of procedural law, is to observe exactly the reality, and to communicate a perception is to coordinate what has been observed and to reproduce the same, which acts require a certain amount of intelligence. Under this principle, children of tender age, idiots and the insane cannot be witnesses; some for not having well developed reasoning power, and others because they have their minds disturbed on account of mental disease. There is a popular belief that children and insane persons usually tell the truth. But it would be very dangerous to consider their testimony at their face value, because they could as well be the effect of the carelessness of a child's mind or mere hallucinations. Outside of these cases, the law does not admit exceptions and extends the duty to testify even to the interested party in a case, to convicts with the exception of those sentenced of perjury, and does not exclude any person on account of his religious belief. This is so because, as we all know, witnesses are, among other means, the eyes and the ears through which knowledge of the truth of facts is acquired. Would it be necessary to establish as a general rule the inadmissibility of the testimony of individuals

condemned to imprisonment? It is possible that such a witness might deceive the court; but it would be better to leave to the discretion of the court the appreciation of the degree of confidence that he deserves. (1) The same thing could be said of interested persons in a suit, although in this case and in those instances where the law authorizes, the credibility of a witness can be impeached by the nature of his testimony, by his dishonesty or lack of integrity, by causes which induce him to testify and by rebutting evidence.

The probatory value of the testifying declaration, according to the expression of Mittemeyer, depends upon the presumption that the witness was able to observe accurately and is disposed to tell the truth. For the court it all depends upon whether this presumption appears strong or weak in the trial. To decide this delicate question, the court has to examine carefully and completely the individuality of the witness and lastly to determine his credibility. Before issuing the decree that may deprive the accused of his liberty, honor and even of his life, it is necessary to analyze carefully the testimony of the witness applying strictly the rules of a sane criterion in order to be convinced of the guilt of the accused. In many cases, the judge would have to apply his physiological knowledge of the functions of the organs of perception; from time to time, he would have to invoke phy-

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(1) Mittemeyer.

sical laws of sound and light in order to ascertain the veracity of the witness who declares to have seen the accused at a certain distance or have known him only by his voice. It is not enough to see and hear the witness; it is necessary to scrutinize the minute details of his testimony to measure the weight of his words and to observe attentively his manner of testifying, that is if he declares sincerely or under the presure of an obsession or influenced by preconceived or suggested ideas. But how difficult it is to examine closely the value of the testimony of a witness who sits for the first time in the witness stand feeling embarrased by the solemnity of the occasion, and who naturally shows vacillation in answering questions that are directed to him by the interpreter; vacillation that is more evident because of his inability to understand the official language of the court and for that very reason, he is the object of keen cross-examination! It can be said in certain cases that fear, as an instinctive and moderate feeling of defense against unavoidable dangers, is useful. But surely fear that produces confusion, stupor and perplexity is useless, because it disturbs the functions of the brain.

In cases of abortion, infanticide, abduction and poisoning, in which is generally introduced testimony of persons possessing special knowledge acquired after many years of study in medical science, the court does not meet with great difficulty in appreciating the value of testimony; but, when mental unbalance is invoked as a defence, by what symptoms would the judge know that the

accused acted freely and consciously, or that he became irresponsible because of insanity? There is no more serious and difficult question! If an accused who is responsible, and for this reason deserves punishment, is erroneously considered sick, public security is jeopardized; and if, on the other hand, a sick accused, worthy of pity, is considered responsible and upon him is imposed penalty and deprivation of liberty, similar error would result in fatal consequences. (1) And when, as it may happen, contradictory expert testimonies are introduced, what rule of criterion would the court follow in order to solve divergencies of opinion?

In the early part of the eighteenth century there were what is probably the first recorded instances of criminal trials in which the result depended largely upon the conflicting evidence of medical experts. The case was that of Spencer Cowper, an Englishman of high position, who was accused of the murder of a Quakeress, Sarah Stout by name. Miss Stout's body was found one morning in a mill stream. There was evidence to show that the last person who had been with her on the night before was Cowper. He was tried for her murder, and a considerable number of physicians were called by the prosecution and defense to establish or controvert, among others, this proposition: that "it is contrary to nature that any persons that drown themselves should float upon the water; we have sufficient evidence that it is a thing

(1) Proal.

that never was; if persons come alive into the water, then they sink; if dead, then they swim". Witnesses were also called to prove the proposition that water must be found in the stomach of a person who die of drowning, and that its absence was inconsistent with death so caused. The case was prosecuted and defended with great energy and vigor, and resulted in Cowper's acquittal. Baron Hatsell, who presided at the trial, made some remarks upon medical testimony in the course of his charge to the jury, which have a decided resemblance to some of the reflections which are made today by judges charging the jury upon the merit of the same kind of evidence. Baron Hatsell said: "You have heard also what the doctors and surgeons said on the one side and the other concerning the swimming and sinking of dead bodies in the water; but I can find no certainty in it, and I leave it to your consideration. The doctors and surgeons have talked a great deal to this purpose, and of the water going into the lungs or the thorax; but unless you have more skill in anatomy than I, you will not be much edified by it". (1)

In 1880 an interesting discussion took place in Paris by eminent doctors of medicine regarding the mental condition of a man by the name of Menesclou, sentenced to death and executed in the same year. After the execution of Menesclou, a Professor of medicine from Marseilles, and Doctor Le Bon sustained after examining the cranium of the executed man, that the crime was due to insanity; while Doctors Lassegue, Broualdel and Motet who examined the criminal when alive

(1) Proal.

found him perfectly sane. Justice Proal of the Assize Court of Appeals commentin on this in his work entitled "El Delito y la Pena" says:

"When three such distinguished experts who have examined the criminal when alive affirm his criminal responsibilty, I believe that their colleagues, who have not examined him ought to have displayed more tact and more reserve than to formulate a contrary opinion. Before affirming that the court has condemned to death a poor irresponsible sick man, before destroying in such a manner the respect that a judicial decision deserves, and thus disturbing public conscience, it would have been perhaps beneficial to have it published that the decision of the court has been based upon the findings of Doctors Lassegue, Broaldel, and Motet".

All of these show that the one who is invested with the duty of weighing the responsibilities of the accused, ought to have knowledge of medical jurisprudence in order to appreciate with certainty the testimony of expert witnesses. To judge well the difficult problem of responsibility, it is necessary that juridical studies be accompanied with criminological studies. The conjunction or the union of medico-juridical studies, would make him appreciate better the responsibility of the accused. It must be remembered that in the discussion of the proposed Correctional Code the opinions of the Senate showed two marked tendencies: some were inclined to the doctrines of the Classical School and others to theories of the

School of Anthropology. In that discussion, it was said by one of the speakers, "that the spirit embodied in the proposed Correctional Code is that all delinquents are more or less diseased persons, who have their reasoning powers perturbed in a more or less degree, and when they commit felony it is because, at that moment, they are victims of said abnormality in such a way that they do not know what they are doing in the precise moment of committing the felonious act". Is not this an unequivocal symptom that the *ultra-alpiniana* theories are being favored in this country? Who knows if, in the course of time, the accused person would also interpose as a means of defense allegations of criminal atavism or regression to primitive type or a certain irresistible obsession, fatality or determination of human acts due to cranial deformities or physiological defects of the face, nose, ears, hands, teeth, etc., in accordance with the theories of the so-called anthropological school?

On the other hand, the variety of judicial proceedings where the testimony of medical expert witnesses is introduced, requires knowledge of Medical Jurisprudence. The determination of mental capacity to execute a will and to contract, questions of legitimacy, survivorship, age, and prodigality, all of these are well-known examples in civil matters where the science of Medical Jurisprudence is applied in order to help the courts in establishing equitable conclusions. In criminal matters, wounds and violent deaths by poisoning, and suffocation, abortion, infanticide, and rapes

are among so many cases where expert witnesses are utilized.

It would be highly beneficial, therefore, to law students to take after their graduation a course in Criminology and Medical Jurisprudence because the study of these sciences will contribute to better preparation of future lawyers and judges, if not for the purpose of deciding by themselves these delicate questions, at least, for the object of judging with certainty the testimony of medical experts.

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